

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. 85

Before MICHEL, Chief Judge.

ORDER

A complaint of judicial misconduct was received by the court on February 19, 2008.* The complaint is directed to conduct of the three judges who formed the merits panel that affirmed the lower court's judgment. Complainant states (1) that he assumes "the judgment opinion and mandate could have been ordered by an attorney outside the rules and procedures of the Court, possibly by the clerk," (2) that he believes the briefs were not reviewed, (3) that the record contained "gross material/factual errors," (4) that the production of evidence in the lower court was obstructed, and (5) that the judges and the clerk of court used "an internal wireless communications device" in collaboration with the Federal Bureau of Investigation to obstruct the appeal process.

Concerning the first and second allegations, the complainant states without support that he assumes or believes that misconduct occurred. Because those assertions lack sufficient evidence to raise an inference that misconduct has occurred, they are dismissed pursuant to 28 U.S.C. § (b)(1)(A)(iii).

Concerning the third and fourth allegations, the complainant's assertions are directly related to the merits of the court's decision. Thus, those allegations are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii).

Concerning the fifth allegation, the complainant offers no support for his assertion that the judges used an "internal wireless communications device" and thus his

* The complaint was first received on February 6, 2008 but was returned to the complainant because it was not in compliance with the court's rules.

assertion is dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred. 28 U.S.C. § (b)(1)(A)(iii).

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and 28 U.S.C. § 352(b)(1)(A)(iii).

February 25, 2008

Date

/s/ Paul R. Michel

Paul R. Michel
Chief Judge

The complainant may petition the court for review of this order. Such a petition for review must be received in the clerk's office within 30 days of the date of the clerk's letter transmitting this order.