

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS.
F-08-90001, F-08-90002, F-08-90003, and F-08-90004

Before MICHEL, Chief Judge.

ORDER AND SUPPORTING MEMORANDUM

A document including complaints of judicial misconduct was received by the court on August 4, 2008. The complaints concern a magistrate judge and three district court judges who hold office within the jurisdiction of the United States Court of Appeals for the Fourth Circuit.

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a magistrate judge or district court judge "must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office." If the complaint alleges misconduct in the course of official business while the subject judge was sitting on a court by designation, then the complaint may be filed either with the circuit clerk in the jurisdiction in which the subject judge sat by designation or with the circuit clerk in the jurisdiction in which the subject judge holds office. Rule 7(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant does not assert that the subject judges sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaints concern a magistrate judge and district court judges who hold office within the jurisdiction of the United States Court of Appeals for the Fourth Circuit. Thus, the complaints were filed in the wrong circuit. Pursuant to Rule 11(c)(1)(F) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint "must be dismissed in

whole or in part to the extent that the chief judge concludes that the complaint . . . has been filed in the wrong circuit under Rule 7"

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed pursuant to Rule 11(c)(1)(F) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

August 15, 2008

Date

/s/ Paul R. Michel

Paul R. Michel
Chief Judge

There is a right to file a petition for review of this order. Pursuant to Rule 18(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, any petition for review must be received by the circuit executive within 35 days of the date of the letter transmitting this order. Any petition must be sent to:

Circuit Executive
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439