

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO.
F-09-90001, F-09-90002, F-09-90003, and F-09-90004

Before MICHEL, Chief Judge.

ORDER AND SUPPORTING MEMORANDUM

A document including complaints of judicial misconduct was received by the court on October 29, 2008. The complaint concerns three judges of this court and one judge from the United States Court of Federal Claims.

Complainant's case in the Court of Federal Claims was dismissed for lack of jurisdiction. One of the complaints concerning judicial conduct involves the trial court judge who dismissed the case. A panel of three judges of this court affirmed the dismissal. The other three complaints were filed against the panel members.

The complainant asserts, inter alia, that his case filed in the trial court showed that his constitutional rights were violated, that the courts should construe a complaint for relief liberally, that the judges of this court did not correctly rule on his motions or the defendant's motion, and that the judges of this court did not consider his assertion that other courts have improperly ruled against him in other various cases.

Concerning the complaint against the judge of the Court of Federal Claims, pursuant to Rule 7(a)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a judge of the Court of Federal Claims must be filed with the clerk of that court. Thus, because the complaint was filed with the wrong court, that complaint must be dismissed pursuant to Rule 11(c)(1)(F) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Concerning the complaints against the three judges of this court, a complaint must be dismissed if the complaint is directly related to the merits of a decision or procedural rulings. Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaints against the three judges of this court entirely involve the merits of the panel's decision and rulings and thus must be dismissed.

Accordingly,

IT IS ORDERED THAT:

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

Dec. 1, 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