

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO.
F-09-90005

Before NEWMAN, Circuit Judge.

ORDER AND SUPPORTING MEMORANDUM

A complaint of judicial misconduct was received by the court on January 22, 2009. The complaint concerns a judge of this court.

The complainant has a case pending in this court. The complainant asserts that court staff have been hostile and nonresponsive to her phone calls and inquiries. The complainant does not assert any specific actions of the judge who is the subject of the complaint. Instead, the complainant asserts that the judge has a duty "to maintain an environment within the USCAFC in keeping with the standards of basic due process and fair play."

Pursuant to Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a judge of this court must be dismissed if it is based on allegations lacking sufficient evidence to raise an inference that misconduct by a judge has occurred. To the extent that the complainant is using the judicial misconduct complaint process to file a complaint concerning the conduct of court staff, the complaint process may not be used for such purposes. The complaint process covers only judges holding office as described in Rule 4 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and Rule 8(d) additionally provides that a complaint about a judge and noncovered persons may only be filed with regard to the

judge. The complaint about court staff has been forwarded to the supervisor, in this instance the Clerk of Court and Circuit Executive.

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed pursuant to Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

February 20, 2009

Date

/s/ Pauline Newman

Pauline Newman
Circuit 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