

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-16-90001, FC-16-90002,
AND FC-16-90003

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed a judicial misconduct complaint concerning three judges of this court.

The three judges of this court served on a panel that decided the complainant's petition for a writ of mandamus. The complainant asserts that the judges mischaracterized his writ and the complainant requests relief from the Chief Judge concerning his underlying case. Specifically, he asks the Chief Judge to intervene and direct the panel of judges to assist him or to sua sponte direct dismissal of his underlying case. Such a request involves the merits or procedural rulings of the complainant's case, and I do not have the authority to intervene in this manner.

The Rules for Judicial Conduct and Judicial Disability Proceedings preclude my review of the merits or procedural rulings in a case within the context of a misconduct complaint. *See* Rule 11(c)(1)(B) of the Rules for Judicial Conduct and Judicial Disability Proceedings (a complaint of judicial misconduct must be dismissed if the complaint "is directly related to the merits of a decision or procedural ruling"). Because such review is not permitted, the complaint must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

January 13, 2016

Date

/s/ Sharon Prost

Sharon Prost

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 42 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

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 13 2016

DANIEL E. O'TOOLE
CLERK