

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-17-90002

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed letters dated October 14, 2016 and November 1, 2016, which the court construes as a judicial misconduct complaint concerning a judge of this court.

The complainant alleges in his complaint that the judge received bribes from another individual, but, rather than include the facts supporting this allegation in his complaint, the complainant cites to documents that he filed in his district court case. In those documents, the complainant alleges that the judge received “impermissible and undisclosed meals and things of value” including “significant free home improvements” in exchange for asserted favorable treatment. The complainant included with his district court papers what may be an affidavit from another individual, named but not further identified, stating that the individual had heard the alleged briber state that he had, inter alia, provided flooring for the judge.

The allegation lacks any indicia of reliability. The complainant relies on second-hand hearsay concerning a statement alleged to have been made possibly as long as five to ten years earlier. That statement is vague and the complaint is frivolous.

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

NOV 21 2016

PETER R. MARKSTEINER
CLERK

Therefore, the complaint is dismissed as frivolous and because it is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” Rules 11(c)(1)(C), (D) of the Rules for Judicial Conduct and Judicial Disability Proceedings.

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

November 21, 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