

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-17-90012

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed a judicial misconduct complaint concerning a judge of the United States Bankruptcy Court for the District of Arizona.

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a bankruptcy 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 judge sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaint concerns a judge who holds office in the jurisdiction of the United States Court of Appeals for the Ninth Circuit. Thus, the complaint was filed in the wrong circuit, and dismissal of the complaint filed with this court is required pursuant to Rule 11(c)(1)(F).

Accordingly,
IT IS ORDERED THAT:
The complaint is dismissed.

March 2, 2017
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

MAR 02 2017

PETER R. MARKSTEINER
CLERK