

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-19-90010 AND FC-19-
90011

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed judicial misconduct complaints concerning a magistrate judge and a district court judge of the United States District Court for the Northern District of Texas. To the extent the complainant also asserts wrongdoing by other individuals not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, we do not accept the complaints against those individuals. Rule 8(d) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings (providing that the court may only accept a complaint against a person covered by the rules).

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a magistrate judge or a district 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.

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

AUG 30 2019

PETER R. MARKSTEINER
CLERK

The complainant does not assert that the subject judges sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaints concern judges holding office in the jurisdiction of the United States Court of Appeals for the Fifth Circuit. Thus, the complaints were filed in the wrong circuit, and dismissal of the complaints filed with this court is required pursuant to Rule 11(c)(1)(F).

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

August 30, 2019
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 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