

# United States Court of Appeals for the Federal Circuit

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IN RE COMPLAINT NO. FC-19-90013

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Before PROST, *Chief Judge*.

## ORDER AND SUPPORTING MEMORANDUM

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

The complainant does not assert that the subject

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PETER R. MARKSTEINER  
CLERK

judge sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaint concerns a judge holding office in the jurisdiction of the United States Court of Appeals for the Eighth 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.

September 18, 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