

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-20-90004

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 Northern District of California. To the extent the complainant also asserts wrongdoing by other individuals, including several state court judges, who are not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the court does not accept the complaint against those individuals. *See* 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.” However, 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. *See* Rule 7(b).

The complainant does not assert that the subject

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

NOV 27 2019

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 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.

November 27, 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