

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-20-90010

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed a document dated February 4, 2020, which the court construes as a judicial misconduct complaint concerning a judge of the United States District Court for the Eastern District of New York.

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

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

FEB 24 2020

PETER R. MARKSTEINER
CLERK

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

February 24, 2020

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