

United States Court of Appeals for the Federal Circuit

**IN RE COMPLAINT NOS. FC-20-90015, FC-20-90016,
FC-20-90017, FC-20-90018, FC-20-90019, FC-20-90020,
FC-20-90021, FC-20-90022, FC-20-90023, FC-20-90024,
FC-20-90025, FC-20-90026, AND FC-20-90027**

Before NEWMAN, *Circuit Judge*, the most senior qualified
active judge, Rule 25(f).

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed a submission at this court entitled “Complaint of Judicial Misconduct or Disability,” that identifies judges of the United States Court of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, D.C., and Federal Circuits. To the extent the complainant intended for his submission to constitute a complaint of wrongdoing by other individuals not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, this court is unable to accept such complaints. 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).

Any complaint concerning judges of the regional circuits, i.e., First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, and D.C. Circuits, must ordinarily be filed with those respective circuits. See Rule 7(a)(1) (stating that “a complaint against a judge of a United States court of appeals . . . must be filed with the circuit clerk in the jurisdiction in which the

FILED
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THE FEDERAL CIRCUIT

APR 17 2020

PETER R. MARKSTEINER
CLERK

subject judge holds office”). While there is an exception where the alleged misconduct occurred while the subject judge was sitting by designation, *see* Rule 7(b), that was not alleged here. Any complaint filed at this court against those regional circuit judges therefore must be dismissed as required pursuant to Rule 11(c)(1)(F).

To the extent that the submission can be read as a complaint of judicial misconduct against a judge of this court, it must be dismissed on its face. The complainant appears to seek an investigation into “Foreign Intelligence Surveillance Court monitoring” and “rogue CIA/DOS/FBI/DOJ etc. espionage.” The allegations are frivolous, lack “sufficient evidence to raise an inference that misconduct has occurred” against any judge of this court, and must be dismissed. Rule 11(c)(1)(C), (D) & cmt. (“Dismissal of a complaint as ‘frivolous’ under Rule 11(c)(1)(C) will generally occur without any inquiry beyond the face of the complaint. For instance, when the allegations are facially incredible or so lacking in indicia of reliability that no further inquiry is warranted.”).

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

April 17, 2020

Date

/s/ Pauline Newman

Pauline Newman

Circuit 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

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-90026, -90027

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