

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-20-90039

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

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed two submissions accusing the subject judge of various misconduct: (1) “neglect, inefficiency, [and] malfeasance in office”; (2) “engaging in conduct prejudicial to the effective and expeditious administration of the business of the court”; (3) “an inability to discharge the duties of his or her office due to a mental or physical disability”; and (4) “rape, sexual abuse, sexual misconduct, . . . indecent liberties, . . . gender discrimination, . . . [and] contempt of the U.S. Constitution” as well as “bribery, retaliation, treason, . . . [and] intimidation.”*

Among other problems with the complaint is that it does not provide any verifiable proof that would support

* The complaint also names “The Senior Judge” and “The Presiding Judge” but does not identify who those judges are. Therefore, the court accepts the complaint only as to the one identifiable judge. To the extent the complainant also asserts wrongdoing by other individuals who are not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the court does not accept any complaint against those individuals. See Rule 8(d) (providing that the court may only accept a complaint against a person covered by the rules).

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THE FEDERAL CIRCUIT

AUG 13 2020

PETER R. MARKSTEINER
CLERK

any of these allegations. The complaint must be dismissed as frivolous and because it is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred.” 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, dismissal under this subsection is appropriate.”).

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

August 13, 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 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