

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-20-90040

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has submitted several documents appearing to raise a judicial misconduct complaint against a district court judge of the United States District Court for the Middle District of North Carolina.* To the extent the complainant also asserts wrongdoing by other individuals who are not covered by the rules, such as an administrative judge of the Merit Systems Protection Board, 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).

Pursuant to Rule 7(a)(1), 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, the subject judge here holds office in the juris-

* Because the complainant’s submissions have been identified as a complaint, there is no need to address whether they comply with the requirement that the truth of the statements made therein must be verified in writing under penalty of perjury. See Rules 5(b), 6(d) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

AUG 17 2020

PETER R. MARKSTEINER
CLERK

diction of the United States Court of Appeals for the Fourth Circuit.

Nor does Rule 7(b) permit the complainant to file this complaint here. That provision states that, 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. The complainant does not assert that the subject judge sat by designation with the United States Court of Appeals for the Federal 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.

August 17, 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