

# United States Court of Appeals for the Federal Circuit

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IN RE COMPLAINT NO. F-11-90001

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Before NEWMAN, *Circuit Judge*.

## ORDER AND SUPPORTING MEMORANDUM

A complaint of judicial misconduct was received by the court on October 13, 2010. The complaint concerns a judge of this court.

In complainant's case before the United States Court of Federal Claims, that court dismissed the complaint for lack of jurisdiction. The complainant appealed to this court. A panel of three judges affirmed the judgment of the Court of Federal Claims. The complaint is against a judge who served on the merits panel.

The complainant does not explain the alleged misconduct. The complainant attaches to the complaint his informal brief, amended informal brief, and other papers related to his appeal.

A complaint must be dismissed if the complaint is directed to the merits of a decision or procedural ruling. Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaint is directed entirely to the merits of the decision and ruling and thus must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed pursuant to Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

November 12, 2010  
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 35 days of the date of the letter transmitting 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

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

NOV 12 2010

JAN HORBALY  
CLERK