

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-21-90003, FC-21-90004,
AND FC-21-90005

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed judicial misconduct complaints concerning three judges of this court who served on a merits panel that decided his appeal.

The complainant disagrees with the decision made in his case, alleging that the judges “failed to uphold federal law” and “obstruct[ed] justice by failing to order a grand jury investigation.” These claims relate directly to the merits of the judges’ rulings and must therefore be dismissed. See Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant also contends that “the court has failed to grant a prompt hearing” in relation to the “writ of habeas corpus” he submitted in his prior appeal and further contends that “[t]he panel is protecting a governmental criminal enterprise by hiding [t]he criminal enterprise behind boilerplate language and using lack of jurisdiction as an affirmative defense keeping me a victim of the governmental racketeering enterprise.”

To the extent that these claims relate directly to the panel’s construction of that post-judgment submission as part of a petition for rehearing and to the panel’s subsequent denial of that request, again, those claims must be

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PETER R. MARKSTEINER
CLERK

dismissed. To the extent that the complainant is challenging any delay in deciding that submission, “[c]ognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Rule 4(b)(2). And here, the allegations clearly lack sufficient evidence to raise an inference that such misconduct has occurred. Rule 11(c)(1)(D).

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

February 19, 2021
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