

MAR 18 2025

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-25-90027

Before MOORE, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The subject judge presided over several of complainant's motions for relief in his appeal before this court, issuing multiple Per Curiam orders, including denying his request for reconsideration of a prior order grant of an extension of time for the appellee's brief. He has now filed a complaint of judicial misconduct taking issue with those orders as having "significant procedural irregularities," including lack of "judicial authorization" and being "denied the opportunity to respond" to the appellee's motion for extension of time.¹

After conducting an initial review, the chief judge may dismiss a judicial misconduct complaint that she concludes: (A) is based on alleged conduct that "is not prejudicial to the effective and expeditious administration of the business of the courts"; (B) "is directly related to the merits

¹ To the extent that the complainant is also alleging misconduct by the Clerk of the Court, the court may not accept a complaint against the Clerk because he is not covered under the Rules for Judicial-Conduct and Judicial-Disability Proceedings. See Rule 8(d) (providing that the court may only accept a complaint against a person covered by the rules).

of a decision or procedural ruling”; (C) is “frivolous,” a term that applies to charges that are wholly unsupported; or (D) “lack[s] sufficient evidence to raise an inference that misconduct has occurred.” Rule 11(c)(1)(A)–(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings; *see* 28 U.S.C. § 352(a), (b).

The complaint here warrants dismissal. The allegations appear directly aimed at rulings in the complainant’s case, which does not constitute cognizable misconduct. The allegations are also frivolous. Federal Circuit Rule 45(c) authorizes the Clerk of Court to sign a document “For the Court,” i.e., “Per Curiam,” when directed by a judge or the court. And to the extent complainant is arguing that he was denied the opportunity to respond to the appellee’s motion for an extension of time before the court granted its motion, Federal Rule of Appellate Procedure 27(b) expressly authorizes the court to act on a motion for a procedural order, which includes motions for extensions of time, “at any time without awaiting a response.”

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

March 18, 2025

Date

/s/ Kimberly A. Moore

Kimberly A. Moore
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