

# In the United States Court of Federal Claims

(Filed: May 3, 2023)

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In re: COMPLAINT OF JUDICIAL  
MISCONDUCT

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Case No. 22-90328

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## ORDER AND MEMORANDUM

The Court received a complaint alleging that a federal judge engaged in judicial misconduct.<sup>1</sup>

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351-64, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“RJCP”) allow for any individual to complain about a federal judge who the individual believes “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts . . . .” RJCP 1. Under the Rules, the Chief Judge reviews complaints of judicial misconduct that are filed with the Court and determines whether they should be dismissed or referred for further proceedings. *See* RJCP 11(a). The Rules also state that complaints against federal judges must be filed with the clerk of court in the jurisdiction in which the subject judge holds office. *See* RJCP 7(a).

Here, the complaint is lodged against a circuit judge presiding in the United States Court of Appeals for the Ninth Circuit. The complaint does not name a judge who serves on the United States Court of Federal Claims. Therefore, the undersigned concludes that the complaint is not appropriate for consideration by this Court under the Judicial Conduct and Disability Act because the complaint has been filed in the wrong court. *See* RJCP 7(a)(1). Therefore:

IT IS ORDERED that the complaint is DISMISSED because the allegations are against an individual outside the jurisdiction of the United States Court of Federal Claims. *See* RJCP 11(c)(1)(F); and

IT IS FURTHER ORDERED that the complainant has the right to file a petition for review of this decision by the entire court. The deadline for filing such a petition is within forty-two (42) days after the date of this Memorandum and Order. *See* RJCP 11(g)(3), 18(a)-18(b).

  
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ELAINE D. KAPLAN  
Chief Judge

<sup>1</sup> The Rules for Judicial-Conduct and Judicial-Disability Proceedings (“RJCP”) require the Court to issue a public opinion that describes the misconduct alleged and the basis of its decision. *See* RJCP 24(a). However, the identity of the judge is protected if the complaint is finally dismissed under RJCP 11(c). *See* RJCP 24(a)(1). The identity of the complainant is also protected. *See* RJCP 24(a)(5). Accordingly, the Court will not identify the parties in this matter, nor describe the context in which the complainant’s grievances arose with any degree of specificity.