

In the United States Court of Federal Claims

(Filed: February 26, 2024)

In re: COMPLAINT OF JUDICIAL
MISCONDUCT

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Case No. 23-90370

MEMORANDUM AND ORDER

The Court has received a complaint alleging that a judge of the United States Court of Federal Claims has engaged in judicial misconduct. For the reasons set forth below, the complaint is dismissed in accordance with the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Mar. 12, 2019) (“RJCP”) 11(c)(1)(B) and (D).

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351–64 and the RJCP provide that any individual may file a written complaint alleging that a federal judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts or is unable to discharge the duties of office because of mental or physical disability.” RJCP 1(a). Cognizable misconduct includes improper actions such as use of judicial office to obtain special treatment for friends and relatives, acceptance of bribes, treating litigants or others in a demonstrably egregious and hostile manner, and other abuses of office. See RJCP 4(a).

Under the RJCP, the chief judge reviews each complaint of judicial misconduct and disability and determines whether it should be dismissed or referred for further proceedings. See RJCP 11(a). Rule 11(c)(1) provides that a complaint may be dismissed if the chief judge concludes that the complaint:

- (A) alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in the inability to discharge the duties of judicial office;
- (B) is directly related to the merits of a decision or procedural ruling;
- (C) is frivolous;
- (D) is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists;
- (E) is based on allegations that are incapable of being established through investigation;
- (F) has been filed in the wrong circuit under Rule 7; or
- (G) is otherwise not appropriate for consideration under the Act.

RJCP 11(c)(1).

Upon review of this complaint, the undersigned concludes that its dismissal is appropriate under RJCP 11(c)(1). Complainant's allegations—that the subject judge was biased and prejudiced against complainant—are not supported by sufficient evidence to raise an inference that misconduct has occurred. See RJCP 11(c)(1)(D). In addition, they are directly related to the merits of a decision or procedural ruling. RJCP 11(c)(1)(B).

Therefore,

IT IS ORDERED that the complaint is **DISMISSED** because the complainant has not demonstrated that the named judge engaged in cognizable misconduct that is prejudicial to the administration of the business of the court. See RJCP 4(a).

The complainant has the right to file a petition for review of this decision by the entire court. Any petition for review must be filed within forty-two (42) days after the date of this Opinion and Memorandum. RJCP 11(g)(3), 18(a)-(b).



ELAINE D. KAPLAN
Chief Judge