

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO.
F-08-90006

Before MICHEL, Chief Judge.

ORDER AND SUPPORTING MEMORANDUM

A complaint of judicial misconduct was received by the court on September 4, 2008. The complaint concerns a judge who holds office within the jurisdiction of the United States Court of Appeals for the Eleventh Circuit. The complaint mentions several judges, all of whom hold office within the jurisdiction of the Eleventh Circuit, although it appears to be directed to the first mentioned judge.

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a judge "must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office." If the complaint alleges misconduct in the course of official business while the subject judge was sitting on a court by designation, then the complaint may be filed either with the circuit clerk in the jurisdiction in which the subject judge sat by designation or with the circuit clerk in the jurisdiction in which the subject judge holds office. Rule 7(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant does not assert that any of the listed judges sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaint concerns a judge, and possibly a list of judges, who all hold office within the jurisdiction of the United States Court of Appeals for the Eleventh Circuit. Thus, the complaint was filed in the wrong circuit. Pursuant to Rule 11(c)(1)(F) of the Rules for Judicial-Conduct

and Judicial-Disability Proceedings, a complaint "must be dismissed in whole or in part to the extent that the chief judge concludes that the complaint . . . has been filed in the wrong circuit under Rule 7"

Accordingly,

IT IS ORDERED THAT:

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

Sept. 8, 2008

Date

/s/ Paul R. Michel

Paul R. Michel
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 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