

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS.
F-09-90008, F-09-90009, F-09-90010

Before MICHEL, Chief Judge.

ORDER AND SUPPORTING MEMORANDUM

A document including three complaints of judicial misconduct was received by the court on August 18, 2009. The complaints are against three judges of this court.

In complainant's case before the Merit Systems Protection Board, the Board affirmed his temporary suspension. A panel of three judges of this court affirmed the Board's decision.

The complainant asserts, in sum, that "the Court created facts not in record evidence, concealed evidence, ignored extreme amounts of material facts and evidence in my favor, and treated me in an egregious and hostile manner commensurate with misconduct." The complainant alleges that "the Court (Judges in particular) engaged in using their position to protect senior government officials" The complainant details his accusations in 34 pages of assertions. The assertions include, inter alia, that "the Court ignored my evidence almost in total," accompanied by numerous descriptions of the omitted facts and evidence, that the judges made false statements in this court's opinion, that the judges "took possession of such a ridiculous set of Agency arguments," and that the court improperly denied a motion for leave to file a brief amicus curiae. The complainant attaches documents asserted to be related to his case on the merits. The complainant requests, inter alia, that the court overturn his suspension and clear his personnel file.

A complaint must be dismissed if the complaint is directed to the merits of a decision or procedural rulings. Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaints against the three judges of this court are entirely directed to the merits of the panel's decision and rulings and thus must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed pursuant to Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Oct. 6, 2009

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