

# United States Court of Appeals for the Federal Circuit

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IN RE COMPLAINT NOS. FC-18-90013 AND  
FC-18-90014

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Before PROST, *Chief Judge*.

## ORDER AND SUPPORTING MEMORANDUM

The complainant has filed judicial misconduct complaints concerning a district court judge of the United States District Court for the Eastern District of New York and a judge of the United States Court of Appeals for the Second Circuit.

Pursuant to Rule 7(a)(1) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a complaint against a district court judge or a judge of a court of appeals “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 the subject judges sat by designation with the United States Court of Appeals for the Federal Circuit. Instead, the complaints concern judges who hold office in the jurisdiction of the

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JUL 20 2018

PETER R. MARKSTEINER  
CLERK

United States Court of Appeals for the Second Circuit.  
Thus, the complaints were filed in the wrong circuit, and  
dismissal of the complaints filed with this court is re-  
quired pursuant to Rule 11(c)(1)(F).

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

July 20, 2018  
Date

/s/ Sharon Prost  
Sharon Prost  
Chief Judge

There is a right to file a petition for review of this or-  
der. 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 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