

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-20-90036, FC-20-90037,
AND FC-20-90038

Before PROST, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant has filed judicial misconduct complaints concerning three judges of this court. To the extent the complainant also asserts wrongdoing by other individuals who are not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the court does not accept any complaint against those individuals. See Rule 8(d) (providing that the court may only accept a complaint against a person covered by the rules).

Earlier this year, the three subject judges served on a panel that issued an order granting a motion to dismiss the complainant's appeal for lack of jurisdiction because the order from which the complainant appealed was not final. The order stated that the complainant "ha[d] not timely responded to either [the court's] show cause order or the motion."

The complainant now asserts that the subject judges and/or various employees of the court "*knowingly and intentionally* recorded wrong docket entries that misdescribed the pleading being recorded while at the time suppressing other pleadings from entry into the record by purposely mislabeling the entries as letters and a[s] papers." The complainant also attached these allegations to a petition for panel rehearing that the subject judges

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AUG 05 2020

PETER R. MARKSTEINER
CLERK

dismissed. In the order dismissing the rehearing petition, the subject judges identified the specific dates when timely responses from the complainant to the show cause order and motion to dismiss were due. The order stated that: “[The complainant] does not point to any such response having been received by the court. In any event, the court has explained that all matters have been docketed and before the court for consideration.”*

The complainant’s allegations, which have been addressed by the panel, concern the merits of the rulings in the complainant’s case and must therefore be dismissed. See Rule 11(c)(1)(B) (a complaint of judicial misconduct must be dismissed if the complaint “is directly related to the merits of a decision or procedural ruling”).

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

August 5, 2020

Date

/s/ Sharon Prost

Sharon Prost
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

* The panel had also separately denied an earlier petition for rehearing, acknowledging an inadvertent docketing error in the complainant’s case and stating that the error had been corrected and “all matters are now properly docketed and before the court for consideration.”

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42 days of the date of 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