

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-21-90024

Before MOORE, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

Before this court is a submission received September 13, 2021, which the court construes as a judicial misconduct complaint identifying a magistrate judge of the United States District Court for the Northern District of Texas.¹

Under Rule 11(c)(1)(F) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, complaints must be dismissed when filed in the wrong court. Ordinarily, a complaint against a magistrate judge “must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office.” Rule 7(a)(1).² Here, because the identified magistrate judge “holds office” in the jurisdiction of the United States Court of Appeals for the Fifth Circuit, the complaint was filed in the wrong court.

¹ To the extent the complainant asserts wrongdoing by other individuals not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the court does not accept any complaint against those individuals.

² While there is an exception that allows for a complaint to be filed if the judge committed misconduct while sitting by designation, *see* Rule 7(b), it is not alleged that the judge ever sat by designation at this court, let alone during the alleged misconduct.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

OCT 19 2021

PETER R. MARKSTEINER
CLERK

Accordingly,

IT IS ORDERED THAT:

The complaint is dismissed.

October 19, 2021

Date

/s/ Kimberly A. Moore

Kimberly A. Moore

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 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