

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NO. FC-22-90017

Before MOORE, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

Before this court is a judicial misconduct complaint identifying a district court judge of the United States District Court for the Eastern District of Texas.

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 district court judge “must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office.” Rule 7(a)(1).^{*} Here, because the identified district court 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 and hence must be dismissed.

Accordingly,

^{*} 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), the complainant does not allege that the judge committed misconduct while sitting by designation at this court.

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

MAR 23 2022

PETER R. MARKSTEINER
CLERK

IT IS ORDERED THAT:

The complaint is dismissed.

March 23, 2022
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