

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-22-90038, FC-22-90039,
FC-22-90040, FC-22-90041, FC-22-90042, FC-22-90043,
FC-22-90044, FC-22-90045, AND FC-22-90046

Before MOORE, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

Before this court is a judicial misconduct complaint identifying three district court judges and five magistrate judges of the United States District Court for the Southern District of Texas and one district court judge of the United States District Court for the Eastern District of Virginia.¹

Under Rule 11(c)(1)(F), complaints must be dismissed when filed in the wrong court. Ordinarily, a complaint against a 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 judges “hold[] office”

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 also does not accept any complaint against those individuals. *See* Rule 8(d).

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

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PETER R. MARKSTEINER
CLERK

in the jurisdiction of the Fourth Circuit (for the Eastern District of Virginia judge) and Fifth Circuit (for the Southern District of Texas judges), the complaints were filed in the wrong court and hence must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

November 7, 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

any of the named judges ever sat by designation at this court, let alone during the alleged misconduct.