

United States Court of Appeals for the Federal Circuit

IN RE COMPLAINT NOS. FC-23-90006, FC-23-90007,
FC-23-90008, FC-23-90009, AND FC-23-90010

Before MOORE, *Chief Judge*.

ORDER AND SUPPORTING MEMORANDUM

The complainant filed documents received December 19, 2022, and January 25, 2023, appearing to raise judicial misconduct complaints against a district court judge and a magistrate judge of the United States District Court for the Eastern District of New York, a district court judge of the United States District Court for the Southern District of New York, and two district court judges of the United States District Court for the Middle District of Florida.

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 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 judges “hold[] office” in the jurisdiction of the Second Circuit (for the Eastern District of New York and South-

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

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

February 15, 2023

PETER R. MARKSTEINER
CLERK

ern District of New York judges) and Eleventh Circuit (for the Middle District of Florida judges), the complaints were filed in the wrong court and hence must be dismissed.

Accordingly,

IT IS ORDERED THAT:

The complaints are dismissed.

February 15, 2023

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