

In the United States Court of Federal Claims

In re: COMPLAINT OF JUDICIAL MISCONDUCT

No. CL-19-90195

OPINION AND MEMORANDUM

The court received a complaint alleging that a judge and several individuals not covered by the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“RJCP”) engaged in judicial misconduct.¹

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351-64, and the RJCP allow for any individual to complain about a federal judge who the individual believes “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts” RJCP 1. Under the Rules, the chief judge reviews complaints of judicial misconduct that are filed with the court and determines whether they should be dismissed or referred for further proceedings. RJCP 11(a). The Rules also state that complaints against federal judges must be filed with the circuit clerk in the jurisdiction in which the subject judge holds office. RJCP 7(a).

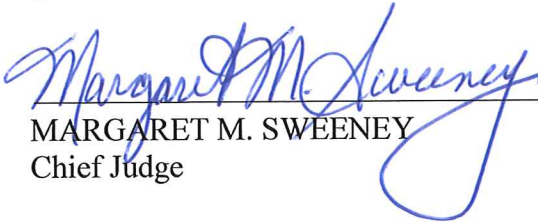
Here, the complaint is lodged against a United States District Court judge presiding in the Eastern District of California as well as an administrative law judge in the state of Arkansas. The RJCP only apply to judges of the United States Courts of Appeals, judges of the United States District Courts, judges of the United States Bankruptcy Courts, United States magistrate judges, and judges of the Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit. RJCP 1(b). Therefore, the complaint is not accepted as to the Arkansas administrative law judge. RJCP 8(d).

Although the complaint does name one federal judge, the named judge is not a judge who serves on the United States Court of Federal Claims. Therefore, the undersigned concludes that the complaint is not appropriate for consideration by this court under the Judicial Conduct and Disability Act because the complaint has been filed in the wrong court, *see* RJCP 7(a)(1). Therefore:

IT IS ORDERED that the complaint as it relates to the federal judge is DISMISSED because the allegations are against an individual outside the jurisdiction of the United States Court of Federal Claims, RJCP 11(c)(1)(F); and

¹ The Rules for Judicial-Conduct and Judicial-Disability Proceedings (“RJCP”) require the court to issue a public opinion that describes the misconduct alleged and the basis of its decision. RJCP 24(a). However, the identity of the judge is protected if the complaint is finally dismissed under Rule 11(c). RJCP 24(a)(1). The identity of the complainant is also protected. RJCP 24(a)(5). Accordingly, the court will not identify the parties in this matter, nor describe the context in which the complainant’s grievances arose with any degree of specificity.

IT IS FURTHER ORDERED that the complainant has the right to file a petition for review of this decision by the entire court. The deadline for filing such a petition is within forty-two (42) days after the date of this Opinion and Memorandum. RJCP 11(g)(3), 18(a)-18(b).



MARGARET M. SWEENEY
Chief Judge