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U.S. COURT OF
FEDERAL CLAIMS

United States Court of Federal Claims

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No. CL-09-20002
(Filed February 20, 2009)

In re:

COMPLAINT OF JUDICIAL MISCONDUCT

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OPINION and MEMORANDUM

The Court received a complaint alleging that a federal district court judge violated the due process and constitutional rights of the complainant.[1]

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351-364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (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 Rule 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 Rule 11(a). However, 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 Rule 7(a)(1). Finally, the Rules provide that a complaint must be dismissed if the Chief Judge concludes that the complaint has been filed in the wrong circuit under RJCP Rule 7. RJCP Rule 11(c)(1)(F).

THEREFORE, **IT IS ORDERED**, as follows:

1. The complaint is DISMISSED because the allegations are against a federal district court judge outside of the jurisdiction of the United States Court of Federal Claims. RJCP Rules 7(a)(1), 11(c)(1)(F);

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

2. 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 thirty-five (35) days from the day of the Clerk's letter transmitting this Order. RJCP Rules 11(g)(3), 18(b).

Edward J. Damich
Chief Judge