In the United States Court of Federal Claims

In re:

COMPLAINT OF JUDICIAL MISCONDUCT No. CL-09-900022

OPINION AND MEMORANDUM

The court received a complaint alleging that a United States district court judge engaged in judicial misconduct.[1]

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351-64, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules or RJCP) allow for any individual to complain about a federal judge 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)(1).

Here, because the complaint is lodged against a judge in the U.S. District Court for the Western District of Texas, the Chief Judge concludes that the complaint has been erroneously filed. This is grounds for dismissal under RJCP 11(c)(1)(F). Therefore:

IT IS ORDERED that the complaint is DISMISSED because the allegations are against a magistrate judge outside the jurisdiction of the United States Court of Federal Claims, RJCP 7(a)(1), 11(c)(1)(F); and,

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

June 9, 2010
Date

Emily C. Hewitt
EMILY C. HEWITT
Chief Judge

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[1] The Rules for Judicial-Conduct and Judicial-Disability Proceedings 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 RJCP 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.