

**In the United States Court of Federal Claims**

In re: COMPLAINT OF JUDICIAL MISCONDUCT

No. CL-15-90115

OPINION AND MEMORANDUM

The court received a complaint alleging that a federal judge and another individual engaged in judicial misconduct.<sup>1</sup>

The Judicial Conduct and Disability Act, codified at 28 U.S.C. §§ 351-64, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules or RJCP) (Sept. 17, 2015) allow for any individual to file a complaint 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 federal judge and a staff member in the United States District Court for the Central District of California. Neither the judge nor the staff member named in the complaint serve the United States Court of Federal Claims. The Chief Judge therefore concludes that the complaint names an individual not covered by the RJCP, *see* RJCP 4, as well as a judge who is not a member of the Court of Federal Claims, which are grounds for dismissal, *see* RJCP 11(c)(1)(F), (G). Therefore:

IT IS ORDERED that the complaint is DISMISSED because the allegations are against a judge and an individual who are outside the jurisdiction of the United States Court of Federal Claims, *see* RJCP 11(c)(1)(F), (G); 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 forty-two (42) days after the date of the Chief Judge’s order. *See* RJCP 11(g)(3), 18(b).

  
PATRICIA E. CAMPBELL-SMITH  
Chief Judge

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<sup>1</sup> 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.