

In the United States Court of Federal Claims

In re: COMPLAINT OF JUDICIAL MISCONDUCT

No. CL-22-90298

ORDER AND MEMORANDUM

The Court received a complaint alleging that a judge of the United States Court of Federal Claims 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 (“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. *See* RJCP 11(a).

Upon review of this complaint, the undersigned concludes that the complaint is subject to dismissal under RJCP 11(c). The complainant’s allegations of misconduct—that the judge obstructed justice, violated plaintiff’s constitutional and due process rights, denied plaintiff access to the court, failed to act impartially and without bias, committed procedural violations, threatened plaintiff, and engaged in conduct prejudicial to the proper administration of justice—are lacking in sufficient evidence to raise an inference that misconduct has occurred. *See* RJCP 11(c)(1)(D). Therefore:

IT IS ORDERED that the complaint is DISMISSED because the complainant has not demonstrated that the named judge engaged in cognizable misconduct that is prejudicial to the administration of the business of the court. *See* RJCP 4(a) and (b); 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 this Memorandum and Order. *See* RJCP 11(g)(3), 18(a)-18(b).



ELAINE D. KAPLAN
Chief Judge

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. *See* RJCP 24(a). However, the identity of the judge is protected if the complaint is finally dismissed under RJCP 11(c). *See* RJCP 24(a)(1). The identity of the complainant is also protected. *See* 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.