

In the United States Court of Federal Claims

FILED
APR. 29, 2020
U.S. COURT OF
FEDERAL CLAIMS

In re: COMPLAINT OF JUDICIAL MISCONDUCT

No. CL-19-90212

OPINION AND MEMORANDUM

The court received a complaint alleging that a senior judge of the United States Court of Federal Claims engaged in judicial misconduct.

The Judicial Conduct and Disability Act, codified as 28 U.S.C. §§ 351–64, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (Sept. 17, 2015) (“RJCP”), allow for any individual to complain about a federal judge who “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts or is unable to discharge the duties of office because of mental or physical disability.” RJCP 1.

Under the RJCP, the chief judge reviews each complaint of judicial misconduct and disability and determines whether it should be dismissed or referred for further proceedings. See RJCP 11(a). Rule 11(c)(1) provides that a complaint must be dismissed without further review if the presiding judge concludes that the complaint:

- (A) alleges conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in the inability to discharge the duties of judicial office;
- (B) is directly related to the merits of a decision or procedural ruling;
- (C) is frivolous;
- (D) is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists;
- (E) is based on allegations that are incapable of being established through investigation;
- (F) has been filed in the wrong circuit under Rule 7; or
- (G) is otherwise not appropriate for consideration under the Act.

RJCP 11(c)(1).

Upon review, the undersigned concludes that the complaint is subject to dismissal under RJCP 11(c)(1). Complainant’s allegation—that the subject judge’s signature is a forgery—is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exists. 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 3(h)(1).

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


MARGARET M. SWEENEY
Chief Judge