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NCLA Asks SCOTUS to Mandate Review of Unlawful Orders Removing Federal Circuit Judge Newman

Hon. Pauline Newman v. Hon. Kimberly A. Moore, et al.

Washington, DC (March 12, 2026) – Today, the New Civil Liberties Alliance took the latest step in a landmark battle to restore judicial independence against a threat coming from within the federal judiciary. NCLA’s [petition](#) for a *writ of certiorari* asks the U.S. Supreme Court to hear [Newman v. Moore](#) and mandate judicial review of administrative orders that have kept Federal Circuit Judge Pauline Newman off the federal bench for three years so far—now the longest suspension of a federal judge in history. At the behest of Chief Judge Kimberly Moore, the Judicial Council of the Federal Circuit has gone beyond its legal authority by effectively removing Judge Newman from the bench, even stopping her from hiring law clerks and leaving her off the distribution list for proposed opinions. Meanwhile, Judge Newman has passed three separate mental tests, performed by three different doctors, demonstrating her fitness for office.

A D.C. Circuit panel held it lacked jurisdiction to hear the merits of this lawsuit against Judge Newman’s suspension based on a flawed 2001 circuit precedent. Representing Judge Newman, and joined once again by accomplished Supreme Court litigator Jonathan Mitchell, NCLA asks the Justices to rule that the courts have jurisdiction to hear her lawsuit challenging the *ultra vires* suspension orders and seeking to enjoin further suspensions in the future.

The Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 authorizes circuit courts to investigate and suspend judges from hearing new cases—but only once, for a brief period, and only after a finding of misconduct or disability. In March 2023, the Judicial Council of the Federal Circuit, led by Chief Judge Moore, indefinitely removed Judge Newman from hearing new cases even before beginning a formal investigation into her fitness for office, violating the Disability Act while invoking it to justify their actions.

Known as the “Great Dissenter,” Judge Newman has shaped intellectual property law for decades with her unique voice. In September 2023, the Judicial Council suspended her for a year and has since issued two more one-year suspensions. Effectively removing an Article III judge from all functions of her office is unconstitutional and violates the Disability Act. That law permits administrative suspensions, but only a time-limited suspension with a definite end-date. It explicitly forbids removing a judge from office. Preventing Judge Newman from serving in her constitutionally appointed role poses a dire threat to judicial independence and the separation of powers.

The Supreme Court should agree to hear this case and hold that the Disability Act does not prohibit courts from reviewing orders that go beyond a chief judge’s or judicial council’s rightful power, nor does it stop judges from seeking injunctive relief in federal district court to prevent future unlawful actions by a judicial council.

NCLA released the following statements:

“Judge Newman’s case is the most important battle in America to restore judicial independence. If the Great Dissenter’s colleagues can remove her from the bench in this slipshod fashion, then other federal judges cannot be secure in their lifetime tenure. Judges everywhere are watching the Supreme Court closely to see what it does.”
— **Mark Chenoweth, President and Chief Legal Officer, NCLA**

“The Supreme Court should order the lower courts to review the Judicial Conference’s unlawful removal of Judge Newman. That review would return Judge Newman to the bench and restore judicial independence.”
— **Andrew Morris, Senior Litigation Counsel, NCLA**

“The Justices of the Supreme Court have an opportunity to uphold exclusive Congressional power over confirmation and removal of Article III judges and to right a 3-year wrong. We hope they take it.”
— **John Vecchione, Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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