

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

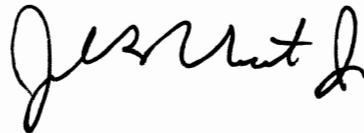
December 15, 2017

The Honorable Robert A. Katzmann  
Chief Circuit Judge  
United States Court of Appeals  
for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Centre Street, Room 301  
New York, New York 10007-1501

Dear Chief Judge Katzmann:

On December 14, 2017, I received a request from the Judicial Council of the United States Court of Appeals for the Ninth Circuit, under Rule 26 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, to transfer a judicial conduct proceeding captioned *In re Complaint of Judicial Misconduct*, No. 17-90118, to the judicial council of another federal judicial circuit. In response, I have selected the Judicial Council of the United States Court of Appeals for the Second Circuit to accept the transfer and to exercise the powers of a judicial council with respect to the identified complaint and any pending or new complaints relating to the same subject matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justice Kennedy", written in a cursive style.

cc: The Honorable Sidney R. Thomas  
Chief Circuit Judge, United States Court of Appeals for the Ninth Circuit  
Mr. James C. Duff  
Director, Administrative Office of the United States Courts  
The Honorable Anthony J. Scirica  
Chair, Judicial Conference Committee on Judicial Conduct and Disability

**FILED**

DEC 14 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 17-90118

**ORDER**

**THOMAS**, Chief Judge:

Under the Rules for Judicial Conduct and Judicial Disability Proceedings, when there is information constituting reasonable grounds for inquiry into whether a covered judge has engaged in judicial misconduct, the chief judge may conduct an inquiry into the accuracy of the information even if no related complaint has been filed. In the past, when incidents of alleged misconduct have been reported in an accredited media publication, we have identified a complaint and initiated an inquiry.

Therefore, consistent with our past practice, and pursuant to 28 U.S.C. § 351(b) and Rule 5 of the Rules for Judicial Conduct and Judicial Disability Proceedings, and in the interest of the effective and expeditious administration of the business of the courts, a complaint is hereby identified against Circuit Judge Alex Kozinski. This complaint is based on allegations contained in a December 8, 2017, Washington Post article entitled “Prominent 9th Circuit Judge Accused of Sexual Misconduct” and any other related articles.

To ensure confidence in the impartiality of any proceedings, and exceptional circumstances appearing, pursuant to Judicial Conduct Rule 26, I request that the Chief Justice of the United States transfer this complaint to the judicial council of another circuit for review and disposition. Any new complaints that may be filed relating to this matter are included in this request for transfer.

Pursuant to Judicial Conduct Rule 23(a), this order is publicly disclosed in order to “maintain public confidence in the Judiciary’s ability to redress misconduct or disability.” All subsequent proceedings are subject to the usual confidentiality rules.