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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF **JUDICIAL MISCONDUCT**	Nos. 11-90137, 11-90138 and 11-90139 **ORDER**

KOZINSKI, Chief Judge:

1. Complainant, an attorney, asks us to consider a 31-page statement of facts. Because complainant fails to produce a compelling reason for dramatically exceeding the five-page limit, this request is denied. See Local Misconduct Rule 6.1(b). Complainant also submitted a five-page statement of facts, which I have reviewed in adjudicating this complaint.

Complainant has submitted a separate motion to disqualify me from reviewing her misconduct complaint. The judicial-misconduct complaint procedure doesn't allow for filing separate motions to disqualify. But even if complainant were entitled to submit such a motion, it would be denied because I played little, if any, role in complainant's case. Cf. Judicial-Conduct Rule 25(a). Even if I had, knowledge acquired during the course of judicial duties "will rarely support [disqualification]." United States v. Johnson, 610 F.3d 1138, 1147 (9th Cir. 2010).

2. Complainant claims that one of the district judges should have recused himself due to a financial conflict of interest. Allegations that a judge failed to recuse himself are merits-related and must be dismissed absent evidence that the judge acted with an improper motive. In re Complaint of Judicial Misconduct, 647 F.3d 1181, 1181 (9th Cir. Jud. Council 2011). And while an allegation that a judge presided over a case knowing he had a conflict of interest may present a misconduct claim, complainant provides no evidence that the judge was aware of any conflict, nor has the complainant shown that a conflict even existed. This allegation is therefore dismissed as wholly unsupported. See In re Complaint of Judicial Misconduct, 756 F.3d 1143, 1144 (9th Cir. Jud. Council 2014); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that one of the district judges used an illegal procedure to assign a visiting judge to her case. The district judge considered and properly rejected this argument, finding that the routine reassignment complied with all applicable procedural requirements. This charge must therefore be dismissed as unfounded. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also believes that one of the district judges violated the Ethics in Government Act by "generic[ally]" describing property on his annual financial

disclosure statements. But judges are instructed by the Judicial Conference of the United States Committee on Financial Disclosure not to provide unnecessary details so as to avoid security risks. The Committee on Financial Disclosure accepted the judge's financial disclosure statement as filed, which, absent a showing of fraud or bad faith, conclusively establishes that it complied with the applicable regulations. Complainant has shown neither fraud nor bad faith on the part of the subject judge. This charge must therefore be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant alleges that the magistrate judge engaged in ex parte communications with opposing parties. Because complainant has provided no objectively verifiable proof of improper ex parte communications, this charge is dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

3. Complainant is an attorney, so she should know better than to file such a frivolous complaint. The standards for filing a complaint of judicial misconduct have been established for decades, see, e.g., In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982), and complainant most likely

knew, and at the very least should have known, that the complaint she filed presents nowhere close to a colorable judicial-misconduct claim. The judicial-misconduct complaint procedure isn't the proper vehicle for a disappointed litigant to level outlandish accusations without a shred of evidence.

A complaint of judicial misconduct is subject to all the standard constraints of other court filings, including the requirement of good faith and proper factual foundation. In re Complaint of Judicial Misconduct, 527 F.3d 792, 797 (9th Cir. Jud. Council 2008). Complainant is therefore cautioned that filing future frivolous complaints will likely result in sanctions.

DISMISSED.