

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 28 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 13-90177

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge entered and subsequently “removed” a “civil minute order for [d]eclaratory [j]udgment” in her civil case and “destroyed the document.” Complainant previously made the same claim before the district court, which explained that the records department “has no knowledge of any documents having been removed from the case record.”

Judges are not usually involved in maintaining records, which is the responsibility of the clerk’s office. To the extent complainant is alleging improper conduct by court staff, complainant’s allegations must be dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

In any event, I conducted a limited inquiry by contacting one of the witnesses named by complainant. The witness stated that he has no knowledge of any documents ever being removed or destroyed in complainant’s case. This

allegation must therefore be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also alleges that the district judge is “throwing the case.” But complainant doesn’t offer any evidence to support this allegation, and it must similarly be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

DISMISSED.