FILED

JUN 29 2015

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

**JUDICIAL COUNCIL**

**OF THE NINTH CIRCUIT**

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| **IN RE COMPLAINT OF** | No. 15-90006 |
| **JUDICIAL MISCONDUCT** | **ORDER** |

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge falsified transcripts and court records in order to secure his conviction. In particular, complainant alleges that portions of the trial transcript were edited or deleted and contain testimony that is falsely attributed to complainant. Complainant has not provided a copy of the transcript, nor does he identify these alleged fabrications or specify where they appear in the record. Complainant does claim that a forensic analyst could prove that the trial transcripts were falsified; however, because he does not articulate which portions of the transcript were altered or what specific information this witness could provide, complainant essentially requests a "fishing expedition" to expose unspecified lies and fraud. Complainant has not satisfied his obligation to provide objective evidence of misconduct, and accordingly this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1372 (9th Cir. Jud. Council 2011) (rejecting

complainant's "invitation for the Judicial Council to conduct a fishing expedition" and explaining that "vague accusations and convoluted demands don't satisfy complainant's obligation to provide objective evidence of misconduct"); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge lied in an order denying complainant's motion to vacate judgment, and that several witnesses could verify that the judge is a liar. Again, complainant does not identify any false statements or specify where they appear in the record, and a review of the cited order unveils no evidence of misconduct. This allegation too must be dismissed as unfounded. See id.

Complainant's charges against attorneys and court staff must be dismissed because the misconduct procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

**DISMISSED.**