

FILED

AUG 19 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90078

ORDER

THOMAS, Chief Judge:

Complainant alleges that the district judge who presided over complainant’s criminal trial improperly routed an ex parte letter that complainant had sent to the judge’s chambers to complainant’s counsel instead of making the letter part of the court record. Complainant claims that this demonstrates “bad faith” and that the judge conspired with complainant’s defense counsel to “wash the record.” Many courts, per local rule or policy, prohibit or discourage pro se filings from represented parties and a judge has discretion to reject or strike such documents. Complainant has presented no objectively verifiable evidence of misconduct in this matter, and so the allegations must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009) (“[A]dverse rulings . . . do not constitute proof of a conspiracy.”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant’s allegations against his defense counsel are dismissed because the misconduct complaint procedure applies only to federal judges. See

Judicial-Conduct Rule 4.

DISMISSED.