

FILED

DEC 21 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90149

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge improperly construed a motion for reconsideration, improperly dismissed her civil case with prejudice, and made other improper rulings. These allegations relate directly to the merits of the judge's rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the judge committed fraud by altering docket entries, recharacterizing complainant's submissions, and failing to supervise or discipline court clerks who committed docketing errors or fraud. A review of the underlying record reveals no evidence of fraud or misconduct, and this allegation is dismissed as unfounded. 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); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's allegation that the judge made defamatory statements in a written order was raised in a previous misconduct complaint and was dismissed as unfounded. See In re Complaint of Judicial Misconduct, No. 15-90133.

Accordingly, no further action is necessary. See Judicial-Conduct Rule 11(c)(1)(C); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

Complainant further alleges that she is being denied access to the courts and is afraid to make appearances. However, complainant does not articulate how she is being denied access to the courts and fails to show or even allege any misconduct by the subject judge. Accordingly, this allegation is dismissed as unfounded 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); Judicial-Conduct Rule 11(c)(1)(D), (E).

Complainant's allegations against court clerks, opposing parties, and other non-judges are dismissed because this complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

Further misconduct complaints presenting fundamentally the same allegations may be summarily dismissed as frivolous. See Judicial-Conduct Rule

11(c)(1)(C). Moreover, complainant is cautioned that a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.”

Judicial-Conduct Rule 10(a).

DISMISSED.