

FILED

JAN 11 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90134

ORDER

Before: **CANBY, CALLAHAN, M. SMITH, N.R. SMITH and MURGUIA**,
Circuit Judges, **MOSKOWITZ, WINMILL and PHILLIPS**, Chief
District Judges, and **AIKEN and MOLLWAY**, District Judges

On October 19, 2016, complainant was ordered to show cause why he
should not be sanctioned for his abuse of the misconduct complaint procedure.
Complainant's response to the Order to Show Cause was inadequate.

Pursuant to Rule 10(a) of the Rules for Judicial-Conduct and Judicial-
Disability Proceedings, we conclude that complainant's right to file further
misconduct complaints should be restricted. We direct the Clerk to enter the
following pre-filing review order:

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all misconduct complaints or
petitions for review filed by complainant.

(2) Any future misconduct complaint or petition for review filed by
complainant shall comply with the requirements of the Rules for Judicial-Conduct

and Judicial-Disability Proceedings, and shall contain the sentence “THIS COMPLAINT/PETITION IS FILED SUBJECT TO PRE-FILING REVIEW ORDER No. 16-90134” in capital letters in the caption of the complaint or petition.

(3) If complainant submits a misconduct complaint or petition for review in compliance with this order, the Clerk shall lodge the complaint or petition and accompanying documents. The Clerk shall not file the complaint or petition until complainant’s submission is reviewed and a determination is made as to whether it merits further review and should be filed.

(4) This pre-filing review order shall remain in effect until further order of the Judicial Council. Complainant may, no earlier than January 2019, petition the Judicial Council to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

Complainant’s failure to comply with this order shall result in any new misconduct complaints or petitions for review being dismissed or not being filed and other sanctions being levied as the Judicial Council may deem appropriate.