

APR 17 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90023

ORDER**REINHARDT**, Circuit Judge¹:

Complainant, a pro se litigant, alleges that a circuit judge improperly dismissed his complaint of judicial misconduct. This allegation relates 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); Commentary to Judicial-Conduct Rule 3 (“a complaint challenging the correctness of a [circuit] judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related”).

Complainant also appears to allege that the subject judge, along with other judges, colluded with the opposing parties and opposing counsel in the underlying civil case, and caused the death of complainant’s colleague. Complainant offers

¹This complaint was assigned to Circuit Judge Stephen Reinhardt pursuant to 28 U.S.C. § 351(c).

no objectively verifiable proof in support of these allegations, which are 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).

To the extent complainant raises allegations against parties or opposing counsel in the underlying civil case, such allegations are dismissed because this misconduct 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.

Complainant has now filed three misconduct complaints against a total of ten judges, raising similar, unsupported allegations of bias and misconduct. 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); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.