

FILED

JUDICIAL COUNCIL

SEP 7 2017

OF THE NINTH CIRCUIT

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 17-90027, 17-90028,
17-90029 and 17-90030

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

Pursuant to Article V of the Rules for Judicial-Conduct and Judicial-
Disability Proceedings under 28 U.S.C. § 352(c), complainant has filed a petition
for review of the order of the Chief Judge entered on May 9, 2017, dismissing the
complaints against two district judges and two magistrate judges of this circuit.

We have carefully reviewed the record and the authorities cited by the Chief
Judge in his order of dismissal. We conclude there is no basis for overturning the
order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling
authority cited in support thereof, we affirm.

Further, the May 9, 2017, order required complainant to show cause why he
should not be sanctioned for his abuse of the misconduct complaint procedure.
Complainant did not adequately respond to the Order to Show Cause. 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 Nos. 17-90027, 17-90028, 17-90029 and 17-90030" 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'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.