

SEP 12 2008

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

No. 07-89134

ORDER**KOZINSKI**, Chief Judge:

A complaint of misconduct has been filed against a district judge. Complainant filed a case in district court, which was dismissed by a judge not the subject of this complaint (“Judge A”). Complainant filed an amended complaint, which contained abusive language directed at the court and at Judge A’s race. Judge A recused himself, and the case was reassigned to the subject judge. The subject judge dismissed the amended complaint with prejudice.

Complainant alleges that the subject judge should have recused herself because she is of the same race as Judge A and was therefore biased. This contention is patently frivolous and abusive. Because there is no evidence that misconduct occurred, these charges are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3). Complainant is directed to Misconduct Rule 1(g), which provides that a “complainant who files vexatious, repetitive, harassing, or frivolous complaints” may be restricted from filing further complaints.

DISMISSED.