

JUN 03 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 08-90152, 08-90153 and
08-90154**ORDER****KOZINSKI**, Chief Judge:

A misconduct complaint and a supplement have been filed against three circuit judges. Complainant, a pro se litigant, previously filed a misconduct complaint against the subject judges alleging that they incorrectly affirmed a district court decision and were motivated by favoritism. I dismissed the complaint because the charges related to the merits of the judges' ruling and lacked objectively verifiable proof of bias. See In re Complaint of Judicial Misconduct, No. 08-89016 (9th Cir. Jud. Council 2008).

The current complaint merely repeats the charges raised in the prior complaint, and complainant again fails to provide any evidence to support his allegations of bias. My prior order therefore makes further action on this complaint unnecessary. See 28 U.S.C. § 352(b)(2). Further misconduct complaints presenting fundamentally the same allegations against these judges will be dismissed summarily as frivolous.

Complainant is also 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); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

CONCLUDED.