

AUG 25 2009

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

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

Nos. 08-90218, 08-90219 and  
08-90220

ORDER

**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against two district judges and a magistrate judge. Complainant, a pro se litigant, filed three civil rights actions in district court. The subject judges were assigned to the matters. Complainant also filed a civil suit against the subject judges.

Complainant alleges that the judges improperly dismissed her complaints. Because this charge relates directly to the merits of the judges' rulings, it must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judges were biased on account of complainant's race. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support this allegation. See In re Complaint of Judicial Misconduct, 569 F.3d

1093, 1093 (9th Cir. Jud. Council 2009). Because there is no evidence that misconduct occurred, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant raises allegations against complainant's counsel, prosecutors, and the police, the charges must be dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

This frivolous, scurrilous and largely incoherent complaint, and complainant's lawsuit against the subject judges, add up to a pattern of litigious harassment. Further misconduct complaints based on the same underlying facts will be summarily dismissed. Complainant is cautioned that the filing of any more such complaints may also result in the imposition of sanctions, including an order requiring complainant to obtain leave before filing further misconduct complaints. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

**DISMISSED.**