

SEP 14 2009

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 08-90221 and 08-90222

**ORDER**

**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against two district judges.

Complainant, a pro se litigant, filed a civil case in district court. One of the subject judges was assigned to the matter. The other subject judge is the chief judge of the district and was apparently included in the complaint because of what complainant claims is a failure to properly supervise the first judge.

Complainant previously filed a misconduct complaint against one of the subject judges alleging that the judge conspired to, among other things, represent him and make decisions affecting him without his authorization, use his copyrighted material without authorization and “convert” his address and citizenship. That complaint was dismissed because complainant provided no objectively verifiable proof of conspiracy or other judicial misconduct. See In re Charge of Judicial Misconduct, No. 06-89093 (9th Cir. Jud. Council 2006). The current complaint raises many of the same charges and complainant doesn’t provide any new objectively verifiable proof. The prior dismissal order makes

further action on these charges unnecessary. See 28 U.S.C. § 352(b)(2); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

Complainant also alleges that one of the subject judges improperly dismissed his case. This charge relates directly to the merits of the judge's ruling and must therefore 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).

Complainant further alleges that the judges perjured their oaths of office, engaged in treason and sedition, caused complainant to lose his job and attempted to include complainant in fraudulent commercial transactions. But complainant hasn't provided any objectively verifiable proof to support these allegations. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant raises allegations against Deputy U.S. Marshals, the charges must be dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

The massive complaint is a hodge-podge of frivolous and bizarre

accusations and reviewing it has wasted substantial resources. Complainant is cautioned that continuing to file frivolous complaints may result in sanctions. See In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

**DISMISSED.**