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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90061

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se litigant, filed a misconduct complaint against the district judge assigned to numerous civil cases in which complainant is the plaintiff.

Complainant previously filed a misconduct complaint against the subject judge alleging that the judge improperly dismissed thirty of his civil cases and prevented the filing of another ten. The former chief judge dismissed these charges because they related to the merits of the district judge's rulings, and the Judicial Council affirmed.

See In re Charge of Judicial Misconduct, No. 06-89004 (9th Cir. Jud. Council 2006).

To the extent the current complaint rehashes these same charges without providing additional evidence, that prior order makes further action unnecessary. See In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

To the extent complainant is raising new allegations that the judge improperly dismissed different cases, his charges relate directly to the merits of the judge's rulings and are 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 judge was mentally incompetent and biased against him on account of complainant's ethnicity. But complainant hasn't provided any objectively verifiable proof to support either allegation. Thus, these charges are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant's allegations against prison and government officials are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Charge of Judicial Misconduct, 569 F.3d at 1093.

Complainant has filed dozens of civil suits, is subject to a pre-filing review order in the district court and has now filed a second misconduct complaint advancing the same unsubstantiated claims as in his first misconduct complaint. Complainant "is therefore ordered to show cause why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints." In re Complaint of Judicial Misconduct, Nos. 08-90149+, slip op. at 13737 (9th Cir. Jud. Council Sept. 23, 2009). Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.