

MAR 30 2011

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

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
---

Nos. 10-90143 and 10-90144

**ORDER****KOZINSKI**, Chief Judge:

A pro se litigant alleges that a district judge and a magistrate judge improperly denied her requests for the court to appoint counsel and an interpreter in her civil case. I dismissed a previous misconduct complaint in which complainant raised essentially the same allegations against the district judge and a different magistrate judge. See In re Complaint of Judicial Misconduct, Nos. 09-90205+. They are again dismissed as merits-related. 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 subject judges are biased against her because of her pro se status, national origin and poor English; that they referred to her as a “burden” on the court; and that they impeded the “proper prosecution” of her claim. Complainant attached a thick stack of exhibits, but didn’t point to anything in them that supports her allegations. The charges are therefore dismissed for lack of evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule

11(c)(1)(D); see also In re Complaint of Judicial Misconduct, 630 F.3d 968, 969–70 (9th Cir. 2010).

Complainant further alleges that the magistrate judge effectively had “improper discussions with parties or counsel for one side of the case” during proceedings where complainant couldn’t understand what they were saying in English. But the proceedings were held in open court and on the record. And the judge found that complainant had been able to articulate her positions without an interpreter on numerous occasions. Because there is no evidence of misconduct, this charge must also be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

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); see In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. 2009). Complainant is advised that any further misconduct complaints she files that present essentially the same allegations will be summarily dismissed as frivolous.

**DISMISSED.**