

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

JUN 13 2011

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

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 11-90076, 11-90077,  
11-90078, 11-90079, 11-90080 and  
11-90081

**ORDER**

**KOZINSKI**, Chief Judge:

A disbarred attorney has filed a misconduct complaint against three district judges and three circuit judges. He alleges that one district judge “fixed” his RICO lawsuit in order to “protect” a circuit judge and court staff. The second district judge “clearly fixed a federal case to protect [the judge’s] friends and colleagues in the federal building.” The third district judge “issued a malicious In Re: Kramer Order which reeked of arrogance and corruption.” And one circuit judge sat on a panel that “fraudulently dismissed” one of complainant’s cases in a summary affirmance. These charges all relate directly to the merits of the judges’ rulings and must therefore 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 claims that the third district judge “went on to critique and lambaste [sic] [complainant’s] First Amendment expressions which have now

proved to be the foundation for [a] non-fiction book.” He hasn’t provided a shred of proof supporting this allegation, or even given a date and time for the purported “lambasteing,” so this charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant believes that a Ninth Circuit order denying several of his motions shows that two of the subject circuit judges conspired with one of the subject district judges and the district court clerk to “kill” his case. But there is nothing unusual about the ruling, and complainant is simply unhappy that he lost. We’ve repeatedly held that adverse rulings aren’t proof of misconduct. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011). Because there’s no evidence of misconduct, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant previously filed a misconduct complaint against one of the circuit judges named in his current complaint; the charges there were dismissed as merits-related or unfounded. See In re Charge of Judicial Misconduct, No. 94-80322 (9th Cir. Jud. Council 1995). The current complaint makes similar allegations against the same circuit judge and suffers from the same deficiencies. Therefore, no further action is needed on these charges. See Judicial-Conduct Rule 11(c)(1)(C); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

All charges against the state bar judge, the state bar lawyer and “the royal family which secretly runs the State Bar” must be dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant’s request for a face-to-face meeting to present “several bankers’ boxes” of evidence is denied because he didn’t explain in his brief statement of facts how this evidence would “directly support the allegations of misconduct or disability.” In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011).

Complainant’s frivolous, invective-laden misconduct filings are entirely inappropriate, especially coming from someone with law school training. Complainant has also sent bizarre emails to judges, court staff, the DOJ and employees of a private company referencing his blog, which repeats many of the incoherent allegations in this complaint. Further misconduct complaints presenting similar allegations will be summarily dismissed as frivolous. Complainant is cautioned that if he continues to “file[] repetitive, harassing, or frivolous complaints,” or “otherwise abuse[s] the complaint procedure,” he will “be restricted from filing further complaints.” Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

**DISMISSED.**