

FEB 27 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90160

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a magistrate judge improperly failed to stamp “filed” on orders that he issued, but a judge need not affix a file stamp to an order. Further, an “allegation that calls into question the correctness of an official action of a judge—without more—is merits related.” See Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice 145 (2006). This charge is therefore 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 further alleges that the judge refused to rule on one of his objections. This allegation must be dismissed as unfounded because the docket shows that the judge overruled complainant’s objection within days after it was filed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). (A copy of the judge’s order will be sent to complainant along with this order.)

Complainant also alleges that the magistrate judge improperly instructed the clerk not to file complainant's documents, and "the marshal to search seize, arrest, imprison, and harass complainant while in the premises of the district court."

Complainant hasn't provided any objectively verifiable proof—for example, names of witnesses, recorded documents or transcripts—to support these allegations. 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, these

charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct

Rule 11(c)(1)(D).

DISMISSED.