

AUG 16 2012

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 11-90178, 11-90179,
11-90183 and 11-90184**ORDER****PREGERSON**, Circuit Judge¹:

A disbarred attorney filed misconduct complaints against three district judges and a circuit judge. Complainant alleges that a district judge made erroneous rulings in his civil case and that a circuit judge improperly dismissed a previous misconduct complaint. This charge relates 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 also alleges that those judges, along with two other district judges, conspired against him to violate his religious and appellate rights. But complainant has provided no proof to support this allegation. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Because there is no

¹This complaint was assigned to Circuit Judge Harry Pregerson pursuant to 28 U.S.C. § 351(c).

evidence of misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's request for a meeting to discuss additional 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 previously filed misconduct complaints naming other circuit and district judges and those charges were dismissed as merits-related and unsupported. See In re Charge of Judicial Misconduct, No. 94-80322 (9th Cir. Jud. Council 1995); In re Complaint of Judicial Misconduct, Nos. 11-90076 - 11-90081 (9th Cir. Jud. Council 2011). In a previous order, complainant was cautioned that a "complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints." See In re Complaint of Judicial Misconduct, No. 11-90076 - 11-90081. 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. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant has thirty 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.