

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MAY 21 2013

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 12-90133

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a district judge made improper rulings in his habeas case. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant's remaining allegations are difficult to decipher, but he seems to claim that the judge conspired with state officials and his own lawyer to cover up a crime committed against complainant and to keep complainant imprisoned. But adverse rulings aren't proof of a conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Complainant hasn't offered any other evidence of misconduct, so these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant previously filed four misconduct complaints, all of which were dismissed primarily because the allegations related to the merits of the judges'

rulings. “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). Complainant is thus ordered to show cause why he shouldn’t be sanctioned via an order requiring him to obtain leave before filing further misconduct complaints. See In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 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.