

MAR 27 2014

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

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

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 13-90095, 13-90096,
13-90097, 13-90098, 13-90099,
13-90100, 13-90101, 13-90102
and 13-90103

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that eight circuit judges who reviewed his appeals pursuant to a pre-filing review order improperly found them so insubstantial as to not warrant further review. I dismissed a previous complaint that complainant brought against three of the judges as merits-related and unsupported. See In re Complaint of Judicial Misconduct, Nos. 12-90137+ (9th Cir. Jud. Council 2013). The current complaint raises fundamentally the same charges, and my prior order therefore makes further action unnecessary as to those three judges. See Judicial-Conduct Rule 11(c)(1)(C); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. 2009). The remaining charges relate directly to the merits of the judges' 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 also alleges that the judges were not impartial. But adverse rulings aren't proof of bias, and complainant hasn't offered any other evidence of misconduct, so these charge must also be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Further misconduct complaints presenting fundamentally the same allegations may be summarily dismissed as frivolous. Moreover, complainant is 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.” Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.