

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 13-90212, 13-90213 and
13-90214

ORDER

KOZINSKI, Chief Judge:

Complainant, a prisoner, alleges that three circuit judges violated his rights and “engaged in treason” by issuing an order denying him leave to represent himself on appeal. But adverse rulings alone aren’t proof of a criminal act or other judicial misconduct. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). In the absence of any other evidence of misconduct, these claims must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). To the extent complainant alleges the judges’ ruling was erroneous, that allegation relates directly to the merits 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 has previously filed five misconduct complaints containing

similar allegations, and has been warned that he may be sanctioned if he continues to file frivolous complaints. 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.