

FILED

APR 2 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90145

ORDER

THOMAS, Chief Judge:

Complainant alleges that a circuit judge improperly dismissed a prior misconduct complaint against a district judge without considering complainant's supporting evidence. The current complaint merely repeats certain allegations raised in the prior complaint, and adds allegations that the subject judge violated his oath of office and is covering up for the corruption of other judges.

Complainant does not provide evidence that any misconduct occurred, and the charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent that complainant is challenging the correctness of the subject judge's order, this charge is dismissed as merits-related. See Judicial-Conduct Rule 3(h)(3)(A); Commentary on Judicial-Conduct Rule 3 (providing that allegations that a chief judge, or a judge acting in that capacity, incorrectly dismissed a misconduct complaint are properly dismissed as merits-related).

Any further complaints that present similar allegations may be dismissed summarily as frivolous, and complainant is cautioned that the Judicial Council may restrict and sanction “a complainant who files vexatious, repetitive, harassing, or frivolous complaints, or otherwise abuses the complaint procedure” from filing further complaints. Judicial-Conduct Rule 10(a).

DISMISSED.