

FILED

JUL 28 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90173

ORDER

Before: **THOMAS**, Chief Circuit Judge, **WALLACE**, **PAEZ**, **TALLMAN**, **CALLAHAN** and **MURGUIA**, Circuit Judges, **R. COLLINS**, **KING** and **WINMILL**, Chief District Judges, and **ILLSTON** and **ISHII**, District Judges

Pursuant to Article V of the Rules for Judicial-Conduct and Judicial-Disability Proceedings under 28 U.S.C. § 352(c), complainant has filed a petition for review of the order of the Chief Judge entered on April 20, 2015, dismissing the complaint against a district judge of this circuit.

In the petition for review, complainant raises several new allegations against judges not named in his misconduct complaint. The Judicial Council will not consider new allegations or evidence not included within the misconduct complaint for which review is sought. Even if the Judicial Council did consider these new allegations, they relate directly to the merits of the judges' rulings and are unfounded. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

We have carefully reviewed the record and the authorities cited by the Chief Judge in his order of dismissal. We conclude there is no basis for overturning the order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling authority cited in support thereof, we affirm.

Further, the April 20, 2015, order required complainant to show cause why he should not be sanctioned for his abuse of the misconduct complaint procedure. Complainant did not adequately respond to the Order to Show Cause. Pursuant to Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, we conclude that complainant's right to file further misconduct complaints should be restricted. We direct the Clerk to enter the following pre-filing review order:

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all misconduct complaints or petitions for review filed by complainant.

(2) Any future misconduct complaint or petition for review filed by complainant shall comply with the requirements of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and shall contain the sentence "THIS COMPLAINT/PETITION IS FILED SUBJECT TO PRE-FILING REVIEW ORDER No. 14-90173" in capital letters in the caption of the complaint or

petition.

(3) If complainant submits a misconduct complaint or petition for review in compliance with this order, the Clerk shall lodge the complaint or petition and accompanying documents. The Clerk shall not file the complaint or petition until complainant's submission is reviewed and a determination is made as to whether it merits further review and should be filed.

(4) This pre-filing review order shall remain in effect until further order of the Judicial Council. Complainant may, no earlier than August 1, 2018, petition the Judicial Council to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

Complainant's failure to comply with this order shall result in any new misconduct complaints or petitions for review being dismissed or not being filed and other sanctions being levied as the Judicial Council may deem appropriate.