

**FILED**

AUG 17 2015

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 15-90008, 15-90009,  
15-90010, 15-90011, 15-90012,  
15-90013 and 15-90014

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, filed two complaints of judicial misconduct against three circuit judges and three district judges. He alleges that one of the district judges erroneously denied his habeas corpus petition, and that the three circuit judges erroneously denied his claims on appeal and should have recused themselves. These allegations relate directly to the merits of the judges' rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009) (“To the extent complainant...allege[s] that the judge should have recused himself from the habeas petition, this allegation relates directly to the merits and must be dismissed”); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rules 3(h)(3)(A), 11(c)(1)(B).

Complainant alleges that the same district judge who presided over his habeas proceedings conspired with another district judge and one of the circuit

judges to unlawfully keep complainant and other inmates in prison, that the judge “covered up material facts,” that the judge purposefully appointed an attorney to “foul up” complainant’s case, that the judge had complainant’s wife murdered, and that the subject circuit judges conspired with the district judge to cover up the murder. Complainant also claims that a third district judge denied complainant’s motion to appoint counsel and request for a certificate of appealability in order to unlawfully imprison complainant and cover up his wife’s murder. Complainant offers no objectively verifiable evidence to support these incredible claims, which are dismissed as frivolous and unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(C), (D).

Complainant next alleges that the circuit judges are incompetent, mentally disturbed, and suffer from autism, bipolar disorder and schizophrenia. This charge is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant raises several allegations against habeas counsel, trial counsel, the prosecuting attorney and the police department. These allegations are

dismissed because this misconduct procedure only applies to federal judges. See In re Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

Finally, complainant requests that he be allowed to refile his appellate brief, that he be granted a new hearing, that the Federal Bureau of Investigation and Department of Justice investigate his wife's murder, that his petition for rehearing be heard by a new panel, and that his habeas petition be reinstated. These requests are denied because they seek relief that is not available in judicial misconduct proceedings. 28 U.S.C. § 354(a)(2); In re Complaint of Judicial Misconduct, 630 F.3d 1262 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(a).

Complainant has filed at least two previous misconduct complaints, and the current complaint (and voluminous supplemental materials) contain patently frivolous allegations, as well as abusive and threatening language. 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 (9th Cir. Jud. Council 2009).

**DISMISSED.**