

OCT 1 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 15-90111, 15-90112
and 15-90128**ORDER****PREGERSON**, Circuit Judge¹:

Complainant, a pro se prisoner, alleges that two district judges improperly denied his request for in forma pauperis status and improperly rejected for filing his “opening petitioner’s brief.” Complainant also alleges that a circuit judge improperly dismissed his complaint of judicial misconduct against the two district judges. These allegations relate directly to the merits of the judges’ rulings, and must 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); Commentary to Judicial-Conduct Rule 3(h)(3)(A).

Complainant further alleges that one district judge had an unspecified conflict of interest in the underlying proceedings, and that all three judges were part of a conspiracy to suppress evidence and conceal the murder of complainant’s

¹This complaint was assigned to Circuit Judge Harry Pregerson pursuant to 28 U.S.C. § 351(c).

wife. Complainant offers no objectively verifiable evidence to support these 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).

Finally, complainant alleges that the subject circuit judge is a sociopath and suffers from severe emotional and mental problems. Complainant offers no objectively verifiable proof to support these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 626 F.3d 540 (9th Cir. Jud. Council 2010); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant has now filed at least three previous misconduct complaints, naming a total of eleven judges, and his complaints have contained frivolous allegations and abusive language. See In re Charge of Judicial Misconduct, No. 98-80376; In re Charge of Judicial Misconduct, No. 99-80285; In re Complaint of Judicial Misconduct, No. 15-90008+. In a previous order, complainant was 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.” See In re Complaint of Judicial Misconduct, No. 15-90011+. Complainant is therefore ordered to show cause as to why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant has 42 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.