

FILED

JAN 19 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 16-90000, 16-90001,
16-90002, 16-90003, 16-90004,
16-90005, 16-90006, 16-90007
and 16-90008

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, has filed a misconduct complaint against three district judges and six magistrate judges of this circuit. To the extent complainant alleges that the subject judges improperly denied his legal claims or requests for in forma pauperis status, or otherwise ruled improperly in the underlying civil cases, such 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).

Complainant alleges that one district judge “hold[s] illegally two positions” as both a judge and a federal prosecutor, has taken part in an unspecified conspiracy with the clerk of court, has made illegal judgments, and has taken part in an unspecified “perjury scandal.” Complainant offers no proof in support of these incredible allegations, which are dismissed as frivolous and unfounded. See

28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(C), (D).

Next, complainant alleges that a magistrate judge improperly continued to preside over complainant's underlying cases after retiring, and that two district judges and three other magistrate judges are "tied to" the retired judge's illegal rulings. However, a review of the underlying dockets shows that the subject judge's cases were reassigned following his retirement, and that the subject judge made no rulings following reassignment. Complainant's allegations are belied by the record, and are dismissed as unfounded. See id.

Finally, complainant alleges that one of the magistrate judges has "no listing in the California Directory of Attorneys," and that another magistrate judge improperly serves as an officer of a local chapter of the Federal Bar Association. These allegations are dismissed as unfounded and for failure to allege misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181, 1182 (9th Cir. Jud. Council 2011) ("Because complainant doesn't allege conduct 'prejudicial to the effective and expeditious administration of the business of the courts,' her charges must be dismissed"); Comm. on Codes of Conduct, Advisory Opinion No. 34 ("a judge may properly serve as an officer or

member of a board, council or committee of a bar association, subject to the restrictions set forth in Canon 4”); Judicial-Conduct Rules 11(c)(1)(A), (D).

Complainant’s request to submit additional pages is denied, because he fails to show any extraordinary circumstances that would justify exceeding the five-page limit. See Local Misconduct Rule 6.1(b). Complainant did submit a five-page statement of facts, which was considered in the adjudication of this complaint.

DISMISSED.