

**FILED**

AUG 17 2016

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 16-90060

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge who presided over his criminal trial in 1997 and subsequent post-conviction relief motions is racist. He suggests that the judge’s next door neighbor be interviewed to determine whether he has ever heard the judge make a “Race Based Statement.” However, complainant does not specify any allegedly improper comments to which the neighbor would testify nor that the neighbor has any information that would support this allegation. Complainant’s vague allegations fail to raise any inference that misconduct has occurred, and these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1372 (9th Cir. Jud. Council 2011) (rejecting complainant’s “invitation for the Judicial Council to conduct a fishing expedition”); Judicial-Conduct Rules 11(c)(1)(A), (D).

Complainant further alleges that complainant's ex-wife, a former Tiffany's Escort, would testify that she had sexual relations with the judge in his chambers and at his home, and that the judge made racist comments in her presence.

Complainant provides no contact information for his ex-wife, other than saying that she resides in London, England. An internet search for this alleged witness was futile, and without any contact information, it is impossible to conduct a limited inquiry or other investigation. Complainant has provided no other objectively verifiable evidence in support of this allegation, which will be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rules 11(c)(1)(D) and 11(c)(1)(E).

**DISMISSED.**