

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**FILED**

AUG 18 2016

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

<p><b>IN RE COMPLAINT OF  JUDICIAL MISCONDUCT</b></p>
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Nos. 16-90084, 16-90088,  
16-90093 and 16-90109

**ORDER**

**THOMAS**, Chief Judge:

Complainant alleges that four circuit judges who made rulings in his appeal over five years ago conspired with one another and committed fraud by allegedly instructing court staff not to file certain motions and documents. An appellate order issued in July 2011, which summarily affirmed the district court’s judgment in complainant’s underlying case, also advised that “[N]o further filings shall be accepted in this closed docket.” Despite this order, complainant attempted to submit documents in the closed appeal earlier this year, and now alleges that the judges are obstructing justice and violating his constitutional rights by not ruling on his recent requests. Complainant further alleges that one of the subject judges sat illegally on a “two-judge quorum” panel that violated his rights and improperly denied him in forma pauperis status. 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).

Complainant further claims that the judges participated in a criminal conspiracy against him, and had financial conflicts of interest and personal relationships with material witnesses and parties to the case, and thus should have recused. Complainant filed a previous misconduct complaint against one of the circuit judges raising similar allegations which was dismissed as baseless. See In re Complaint of Judicial Misconduct, No. 12-90135+ (9th Cir. Jud. Council 2013). To the extent that complainant is resurrecting those claims, no further action is necessary. See 28 U.S.C. 352(b)(2); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(C). Complainant's claims against the other subject judges also are dismissed as baseless because complainant provides no evidence supporting these allegations. See 28 U.S.C. 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant filed five previous judicial misconduct complaints and was warned 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). Accordingly, complainant is ordered to show cause why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints.

Complainant has thirty-five 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.**