

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**

Nos. 16-90105, 16-90106,
16-90107 and 16-90108

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, has filed a misconduct complaint against one district judge and three circuit judges. He alleges that the district judge had an improper personal relationship with opposing counsel. Complainant does not provide any details or evidence of this alleged relationship, and instead refers to a motion he filed in the underlying case alleging that opposing counsel once claimed that the subject judge is a “close personal friend” and never rules for pro se litigants. Complainant apparently never moved to recuse the subject judge and provides no factual support other than the attorney’s alleged opinion.

Complainant fails to present sufficient evidence 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, 569 F.3d 1093 (9th Cir. Jud. Council 2009) (“claimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Next, complainant alleges that the district judge and three circuit judges relied on an altered or inaccurate record. Specifically, complainant alleges that opposing counsel filed documents in the district court under her married name prior to obtaining a marriage license, thereby using a false name on court documents and creating an inaccurate record. Complainant offers no proof that the subject judge or appellate panel were aware of or involved in any inaccuracy, and fails to explain how these allegations, even if true, would amount to judicial misconduct. Accordingly, this charge is dismissed as unfounded and for failure to allege conduct prejudicial to the effective and expeditious administration of the business of the courts. See In re Complaint of Judicial Misconduct, 726 F.3d 1060, 1062 (9th Cir. Jud. Council 2013); Judicial-Conduct Rule 11(c)(1)(A), (D).

To the extent complainant makes allegations against opposing counsel, such allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.