

**FILED**

JAN 25 2017

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 16-90132 and 16-90133

**ORDER**

Before: **CANBY, CALLAHAN, M. SMITH, N.R. SMITH and MURGUIA**,  
Circuit Judges, **WINMILL, MOSKOWITZ and PHILLIPS**, Chief  
District Judges, and **AIKEN and MOLLWAY**, District Judges

Pursuant to Article V of the Rules for Judicial-Conduct and  
Judicial-Disability Proceedings under 28 U.S.C. § 352(c), complainant has filed a  
petition for review of the order of the Chief Judge entered on October 20, 2016,  
dismissing the complaints against two district judges of this circuit.

We have carefully reviewed the record and the authorities cited by the Chief  
Judge in his order of dismissal. We conclude there is no basis for overturning the  
order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling  
authority cited in support thereof, we affirm.

On October 20, 2016, complainant was ordered to show cause as to why he  
should not be sanctioned for his abuse of the misconduct complaint procedure.  
Complainant's response to the Order to Show Cause was inadequate.

Pursuant to Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, we conclude that complainant's right to file further misconduct complaints should be restricted. We direct the Clerk to enter the following pre-filing review order:

Pre-Filing Review Order

(1) This pre-filing review order shall apply to all misconduct complaints or petitions for review filed by complainant.

(2) Any future misconduct complaint or petition for review filed by complainant shall comply with the requirements of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and shall contain the sentence "THIS COMPLAINT/PETITION IS FILED SUBJECT TO PRE-FILING REVIEW ORDER Nos. 16-90132 and 16-90133" in capital letters in the caption of the complaint or petition.

(3) If complainant submits a misconduct complaint or petition for review in compliance with this order, the Clerk shall lodge the complaint or petition and accompanying documents. The Clerk shall not file the complaint or petition until complainant's submission is reviewed and a determination is made as to whether it merits further review and should be filed.

(4) This pre-filing review order shall remain in effect until further order of

the Judicial Council. Complainant may, no earlier than January 2019, petition the Judicial Council to lift this pre-filing review order, setting forth the reasons why the order should be lifted.

Complainant's failure to comply with this order shall result in any new misconduct complaints or petitions for review being dismissed or not being filed and other sanctions being levied as the Judicial Council may deem appropriate.