

FILED

OCT 19 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 16-90136, 16-90137
and 16-90138

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly screened his civil case under 28 U.S.C. § 1915A. Complainant raised this allegation in a previous complaint, and the charge was dismissed. See In re Complaint of Judicial Misconduct, Nos. 16-90125 and 16-90126 (9th Cir. Jud. Council 2016). Therefore, no further action is necessary. See 28 U.S.C. § 352(b)(2); Judicial-Conduct Rule 11(c)(1)(C); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

Complainant further alleges that two circuit judges improperly found his appeal to be frivolous. Complainant claims that the circuit judges ratified the district court's allegedly "ultra vires" order. These charges relate directly to the merits of the judges' rulings and are therefore 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); see also Judicial-Conduct Rule 11(c)(1)(B).

Complainant alleges that the judges have condoned fraud and are subject to treason charges. However, adverse rulings alone are not evidence of treason or fraud, see In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011), and complainant provides no other evidence to support these very serious allegations, see In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009). Therefore, they must be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

DISMISSED.