

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90145

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge made various improper rulings and should have recused herself from an ongoing criminal trial, to which complainant is not a party. However, complainant offers no evidence that the judge failed to recuse for an improper purpose, and accordingly, this charge must be dismissed because it relates directly to the merits of the judge’s rulings. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011) (“Allegations that a judge erred in failing to recuse are generally dismissed as merits-related”); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the judge has a conflict of interest because she owns property that was once federal land, and the underlying criminal case involves activity alleged to have occurred on federal property. In support of this allegation, complainant submits documents indicating that the judge owns land patents that were issued by the Bureau of Land Management over one hundred

years ago. Complainant presents no evidence that this basis for recusal was ever brought to the judge's attention. In any event, complainant fails to show that the judge has a conflict of interest, or bias in favor of the government, simply by owning property purchased from the federal government decades before she was born. Complainant's theory is tenuous at best, and is denied as baseless. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 756 F.3d 1143, 1144 (9th Cir. Jud. Council 2014); Judicial-Conduct Rule 11(c)(1)(A), (D).

Complainant next alleges that the judge has a conflict of interest because she is a “die hard” or “dye[d] in wool” member of a political party, and allegedly was overheard making a statement to that effect during a private conversation. Complainant does not allege that the judge holds office in a political organization, has publicly endorsed any political candidate, has made campaign contributions, or has partaken in any other political “activity.” See Code of Conduct for United States Judges, Canon 5(A), (C). Even assuming the judge made the alleged statement, the fact that a judge belongs to a political party (even as a “die hard” member) does not create a conflict of interest or amount to misconduct. See In re Judicial Misconduct, 751 F.3d 611, 624 (U.S. Jud. Conf. 2014) (adopting In re Complaint of Judicial Misconduct, No. 12-90026 (9th Cir. Jud. Council, Mar. 15, 2013) (“Canon 5 provides that a judge should refrain from political activity . . .

[but] does not preclude a judge from having political opinions or even sharing those opinions in private”); Comm. on Codes of Conduct, Advisory Opinion No. 19 (“A judge is entitled to entertain [her] personal views of political questions”). This allegation is dismissed for failure to allege any 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).

Finally, complainant alleges that the judge is a member of a charitable foundation that surreptitiously sold nuclear material to a foreign country, that the judge has obstructed justice and tried to influence the outcome of the underlying trial, and that the judge is part of an unspecified conspiracy between the President, the FBI, a state governor, and a prominent political family. Complainant’s supporting materials do not support these incredible allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.