

FILED

DEC 13 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90175

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge allowed “fraud on his court” by government attorneys. However, adverse rulings are not evidence of fraud, and complainant offers no objectively verifiable evidence in support of these allegations, which are dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016 (“Complainant alleges that the judges committed ‘Fraud Upon the Court’ and favored the defendants. Adverse rulings are not proof of bias or fraud.”); Judicial–Conduct Rule 11(c)(1)(D).

To the extent complainant raises allegations against government attorneys, 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.

Complainant has now filed two misconduct complaints against the same subject judge, raising similar, unsupported allegations of fraud. Complainant is cautioned 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); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.