

FILED

SEP 27 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 17-90057 and 17-90058

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that the district judge and magistrate judge assigned to his civil case failed to report an alleged crime committed by the defendants and have ignored his demands to press charges. Complainant further claims that the judges should be prosecuted for concealing fraudulent misrepresentations allegedly made by the defense. Complainant provides no evidence that supports these serious allegations, which are dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent that complainant challenges the judges' handling of his case, these allegations relate directly to the merits of the judges' rulings and must be 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); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the case has “languished,” but offers no evidence that the alleged delay was based on improper motive, or that either judge has habitually delayed ruling in a significant number of unrelated cases. Further, a review of the docket demonstrates that the case has proceeded in due course.

Accordingly, this allegation must be dismissed. See In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 3(h)(3)(B).

Complainant’s request for the appointment of a special committee and his Motion to Appoint the United States Department of Justice and the United States Attorney General as Amicus Curiae are both denied.

Complainant now has filed three misconduct complaints against the subject magistrate judge. 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.