

DEC 21 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90060

ORDER**GRABER**, Circuit Judge¹:

Complainant, a pro se litigant, has filed a misconduct complaint against a circuit judge, as well as the Judicial Council of the Ninth Circuit. Complainant primarily challenges the circuit judge's dismissal of a previous judicial misconduct complaint, and the Judicial Council's denial of a petition for review, and alleges that all of the subject judges improperly rejected his previous allegations, misapplied the law, and failed to properly investigate his charges. 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 all of the subject judges are racist and biased against complainant because he has less money than the opposing parties in

¹This complaint was assigned to Circuit Judge Susan P. Graber pursuant to 28 U.S.C. § 351(c).

his underlying civil case. However, adverse rulings are not proof of bias, and complainant provides no objectively verifiable evidence to support these 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); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that all of the subject judges: (1) have colluded with the opposing parties in the underlying civil case; (2) are operating a “subculture clubhouse” under the influence of Machiavellian, pagan and voodoo philosophies; (3) are mentally disabled; (4) are part of an “urban party scene” involving substance abuse; (5) have conspired with and are under the influence of a celebrity television judge; and (6) have literally “cursed and damned” themselves. These incredible allegations are based entirely on speculation and conjecture, and must be dismissed as frivolous and unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009)(“complainant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(C), (D).

Complainant has now filed four separate misconduct complaints against a total of twenty judges, and was cautioned in a previous order that repetitive,

harassing or frivolous complaints may result in complainant being restricted from filing further complaints. See In re Complaint of Judicial Misconduct, No. 17-90023. Accordingly, complainant is ordered to show cause why he should not be sanctioned by a restrictive filing order. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.