

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 20-90046

ORDER

THOMAS, Chief Judge:

Complainant has filed a pro se complaint of judicial misconduct against a Chief Bankruptcy Judge. Review of this complaint is governed by the Rules for Judicial Conduct and Judicial-Disability Proceedings (“Judicial-Conduct Rules”), the federal statutes addressing judicial conduct and disability, 28 U.S.C. § 351 et seq., and relevant prior decisions of the Ninth Circuit Judicial Council. In accordance with these authorities, the names of complainant and the subject judge shall not be disclosed in this order. *See* Judicial-Conduct Rule 11(g)(2).

The Judicial Conduct and Disability Act provides a remedy if a federal judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). A chief judge may dismiss a complaint if, following review, he or she finds it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling,

or is frivolous or lacks sufficient evidence to raise an inference of misconduct.

See 28 U.S.C. § 352(b)(1)(A)(i)-(iii).

Complainant re-alleges matters contained in a misconduct complaint that he filed in another circuit. The other circuit investigated the allegations, convened a Special Committee pursuant to 28 U.S.C. § 353(c) and dismissed the complaint. Complainant filed a petition for review with the Judicial Conference-United States Committee on Judicial Conduct and Disability pursuant to 28 U.S.C. § 357 and Judicial Conduct Rule 21(b)(1)(A). The Committee on Judicial Conduct and Disability denied complainant's petition for review. Those proceedings are final, and we lack jurisdiction over allegations against judges in another circuit. *See* 28 § 353(a); Judicial Conduct Rule 7(a). Therefore, to the extent that matters covered in the out-of-circuit complaint are re-asserted here, the allegations must be dismissed. Judicial Conduct Rule 11(c)(1)(F).

Complainant alleges that the Chief Bankruptcy Judge failed to investigate allegations of misconduct by an employee in the Clerk of Court's office and covered up the employee's misconduct. Pursuant to 28 U.S.C. § 352 and Judicial Conduct Rule 11(b), I conducted a limited inquiry for the purpose of determining whether the facts stated in the complaint were either plainly untrue or are incapable of being established through investigation. The limited inquiry revealed

that, upon receipt of the informal complaint, the Chief Judge immediately contacted the Office of Circuit Executive for the Ninth Circuit and requested an independent investigation of the contentions. The Office of Circuit Executive conducted a comprehensive, thorough, and independent investigation and concluded that the allegations made were without merit. In sum, contrary to complainant's assertion, the Chief Judge acted promptly, professionally, and properly in addressing the matter. Therefore, the allegations the Chief Judge failed to investigate or engaged in a "cover up" are untrue and must be dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial Conduct Rule 11(c)(1)(D).

DISMISSED.