

FEB 8 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 20-90090, 20-90091,
20-90092, 20-90093, 20-90094,
20-90095, 20-90096, 20-90097,
20-90098, 20-90099, 20-90100,
20-90101, 20-90102, 20-90103,
20-90104 and 20-90105**ORDER****GRABER**, Circuit Judge¹:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against nine circuit judges and four district judges. 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 judges 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

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

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). Judicial misconduct proceedings are not a substitute for the normal appellate review process, and may not be used to seek reversal of a judge’s decision, to obtain a new trial, or to request reassignment to a different judge.

Complainant brings a number of allegations against several judges. These allegations include ignoring the law of the sea, preferring military power over civil law, being in contempt of the Constitution, subjecting complainant to the wrong jurisdiction, imposing judicial taxes on complainant, being incompetent, and engaging in bribery, treason, and negligence. However, complainant provides no objectively verifiable evidence in support of these conclusory allegations, which are dismissed as 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)(D).

To the extent complainant brings allegations against two circuit judges who are no longer in office, those allegations are dismissed as moot. See In re Charge of

Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996) (“Because he is no longer a judicial officer, he is no longer subject to the judicial disciplinary procedures of Section 372(c) and the remedies they prescribe”); Judicial-Conduct Rule 1(b).

Complainant has filed 20 previous complaints, all of which were dismissed because the charges were unfounded. See In re Complaint of Judicial Misconduct, Nos. 19-90000 through 19-90019. The complainant was cautioned that “any future complaints raising similar, unfounded allegations will be summarily dismissed, and an order to show cause as to why complainant should not be restricted from filing further misconduct complaints will issue.” In re Complaint of Judicial Misconduct, Nos. 19-90000 through 19-90019. Complainant’s continued barrage of frivolous filings is a clear abuse of the misconduct complaint procedure. He is therefore ordered to show cause why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints. 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 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.