

JUL 13 2009

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 08-90177 and 09-90068

**ORDER**

**KOZINSKI**, Chief Judge:

Two misconduct complaints have been filed against a district judge. Complainant, a pro se litigant, filed a civil case in district court. The subject judge was assigned to the matter.

The current complaints are the second and third against the subject judge. Complainant's first complaint, filed several years ago, alleged that the subject judge improperly dismissed cases and denied motions, was biased against him, had a history of criminal intent, had conflicts of interest and engaged in a criminal conspiracy with a number of public officials, including other judges. That complaint was dismissed because the charges either related to the merits of the judge's rulings or lacked objectively verifiable proof of abuse of judicial office. See In re Charge of Judicial Misconduct, No. 06-89082 (9th Cir. Jud. Council 2006).

The current complaints repeat the charges raised in the prior complaint, and complainant does not provide any new evidence that might constitute objectively

verifiable proof of his allegations. The prior dismissal order makes further action on this complaint unnecessary. See 28 U.S.C. § 352(b)(2); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009). Further misconduct complaints presenting fundamentally the same allegations against this judge will be dismissed summarily as frivolous.

Complainant is also 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.**