

FEB 05 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-90011

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a district judge. Complainant, a pro se litigant, previously filed three misconduct complaints against the subject judge that were dismissed by the chief circuit judge. The current complaint rephrases the allegations raised in the prior complaints. The chief judge’s prior orders therefore render this complaint moot. To the extent that any of the charges in the current complaint might be considered new, they must be dismissed because complainant hasn’t provided sufficient evidence to raise an inference that misconduct occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant has filed a total of seven previous misconduct complaints, all of which have been dismissed because complainant’s allegations were conclusory and/or related to the merits of the subject judges’ rulings. 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 In re Complaint of Judicial Misconduct, 2009 WL 37149 (9th Cir. Jud. Council Jan. 5, 2009).

DISMISSED.