

16-90066-jm, 16-90067-jm
July 28, 2016
Acting Chief Judge

**JUDICIAL COUNCIL OF THE
SECOND CIRCUIT**

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In re
CHARGES OF JUDICIAL MISCONDUCT

Docket Nos. 16-90066-jm
16-90067-jm

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DENNIS JACOBS, *Acting Chief Judge*:

On June 16, 2016, the Complainant filed two complaints with the Clerk’s Office of the United States Court of Appeals for the Second Circuit pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364 (the “Act”), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, 249 F.R.D. 662 (U.S. Jud. Conf. 2008) (the “Rules”), charging the chief judge of this Circuit (the “Judge”) with misconduct.

BACKGROUND

In 2013, the Complainant filed five lawsuits reiterating claims from the 1970s of copyright infringement and breach of contract. The district court dismissed those actions, and the court of appeals dismissed the appeals and warned the Complainant that further frivolous filings would result in a

leave-to-file sanction. A sanction was imposed following further filings in those closed appeals.

Since 2014, the Complainant has filed a series of misconduct complaints against district and circuit judges, all of which have been dismissed as merits related and unsupported. The current misconduct complaints are (apart from some non-material handwritten notations) identical to the two most recently dismissed complaints, which also named the Judge. The complaints challenge the Judge's dismissal of prior misconduct complaints.

DISCUSSION

The complaints are dismissed.

The allegations in the current complaints are identical to ones previously dismissed. For the reasons stated in the order dismissing 16-90043 and 16-90044, the current complaints are also dismissed as merits related and wholly unsupported – i.e., as “directly related to the merits of a decision or procedural ruling,” 28 U.S.C. § 352(b)(1)(A)(ii), Rule 11(c)(1)(B); and “lacking sufficient evidence to raise an inference that misconduct ha[d] occurred,” 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D).

The Complainant has now filed eight misconduct complaints since the

beginning of the year, all of which have been dismissed as merits related and wholly unsupported. The Complainant is warned that continued abuse of the judicial misconduct complaint process may result in the imposition of restrictions or conditions on its use. *See* Rule 10(a) (“A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.”).

The Clerk is directed to transmit copies of this order to the Complainant and to the Judge.