

Clerk  
United States Court of Appeals  
P.O. Box 193939  
San Francisco, Ca. 94119-3939

Cert.# 70000520001912954656

July 5, 2001

**PETITION FOR REVIEW OF A DISPOSITION BY THE CHIEF JUDGE**  
**PURSUANT TO RULE 6 NO. 01-80080**

I hereby petition the judicial council for review of the chief judge's order because contrary to the Chief Judge order, there has been conduct prejudicial to the effective and expeditious administration of the business of the courts pursuant to 28 U.S.C. 372 (c)(1)

Although Chief Judge Schroeder mentions in her first sentence that Judge Rawlinson is a District Judge now for the 9th Circuit and Judge Hunt is a circuit judge. It is more important that this panel is aware that at the time of the enumerated acts Judge Rawlinson was a Federal Circuit Judge in Las Vegas and Judge Hunt was a U.S. Magistrate Judge in Las Vegas. Complainants attempted to file this Misconduct Complaint in August of 2000 and the complaint may have been "lost" by the 9th Circuit, during the course of Senate investigations and confirmation hearings regarding these judges.

Simply stated, Chief Judge would have this panel believe that complainant is merely a pro se litigant confused by the complexity of law. We assure you this is not the case and therefor will give you our legal analysis.

We chose to file a MOTION TO RECUSE Judge Hunt. It is clear that even the most simple minded lay person can see this to be properly in its definition a Motion pursuant to 28 U.S.C. 144. By the complainant own request for the judge to proceed no further, and complainant titled motion, "Motion for Recusal" invoking 28 U.S.C. 455 is blatantly prejudicial. (see Exhibit 7 of Complaint and Ex. 1 page 3 lines 24 and 25) It has been well founded in a legion of case law a pro se litigant's affidavit is not needed and redundant.

Furthermore in regards to 28 U.S.C. 455, when Judge Hunt was first assigned the case just a few months after presiding in a case involving the complainant which alleged criminal conduct by the complainant it is quite clear that Judge Hunt violated 28 U.S.C. 455 (a)(1). *see also* 28 U.S.C. 455 (d)(1). **So not only was 28 U.S.C. 144 violated but 28 U.S.C. 455 earlier.** (*see 9th Circuit Appeal 01-15840 now on appeal and formally District of Nevada case CV-S-97-01166 DWH (RLH)*) *In this case Judge Hunt was the Magistrate Judge.*

Furthermore in regards to misstatements by the accused judges as referred to in the Chief Judges order. Clearly these were not *misstatements* and must be seen in the light most favorable to justice. Clearly there is no evidence to support the Chief Judges assertion that these were *misstatements*. Nowhere in law have we found that when a Judge says an untruth it must be considered a *misstatement*. (*see* III. Misconduct Complaint) Nor is it rational to assume that because a judge is caught by his own statements, receiving information that could only have been obtained by *ex parte* communication that it was a *misstatement*. (*see* I. of Misconduct Complaint) **Clearly the Chief Judge has not evidenced proof of *misstatements*.**

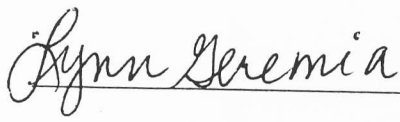
Furthermore, V. of Misconduct Complaint merely support complainant's charge of bias.

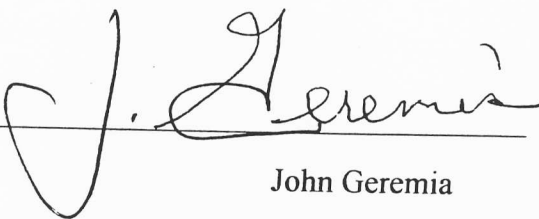
Furthermore, contrary to Chief Judges assertion that the Misconduct Complaint somehow involves a "request to change a decision or ruling" it does not.

Finally the acts were not inconsequential. Respectfully, they clearly are blatant violations of law by Judges. Judges are people governed by the same laws and above no law.

Respectfully, this court should pay considerable attention to page 4 first paragraph of the Misconduct Complaint. In regards to that paragraph; it is of consequence that Complainant filed a 30 day time extension in a Federal case to cover the days of July 1 through July 30th due to a vacation and ironically Chief Judge's order was filed June 29 and received by the complainant July 1 with 30 days to petition for review. see attached Motion For Extension Of Time. Respectfully, this behavior is why Complainant believes a Congressional Investigation should proceed as well as the fact that this Misconduct Complaint was filed during the course of Senate investigations of the named judges and somehow misplaced by the 9th Circuit back in August of 2000.

Sincerely yours,

  
Lynn Geremia

  
John Geremia