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U.S. COURT OF APPEALS
SECOND CIRCUIT
MANHATTAN, N.Y.

207 East 85th Street
New York, N.Y. 10028
November 10, 2000
(212) 535-2940

United States Court of Appeals
For the Second Circuit
40 Foley Square, RM 1702
New York, N.Y. 10007
Att: Roseann B. Mackechinie, Clerk of the Court

Re: Judicial Conduct Complaint
(Hon: Colleen McHahon, U.S.D.J. S.D.N.Y.)
No: 00-8541

Dear Miss. Mackechinie:

I hereby petition the judicial council for review of the chief's order. I receive the letter by the deputy clerk Madsen Jr, which is dated October 12, 2000.

I stated that the chief judge was wrong in dismiss the against judge McHahon because the complaint was not frivolous for the reason it give specific allegation of fact.

The specific allegation is well stated in the complaint. It states events, place, names, time and etc.

Even if the Chief judge's order were properly stated the complaint is too conclusory to permit investigation, the chief judge should allow me to file a "**Amended Complaint**" to correct or cure any conclusory statements where the chief judge did give a fair opportunity.

In **Rule 5 of the Judicial Council of the Second Circuit**, the complainant's has the right to appeal. The letter dated October 12, 2000 of informing the complainant has the right to appeal to the judicial council which attached.

The chief judge stated that I seek direct challengers the merits of a decision of the district judge and then says that it may not be brought under Section 372. The chief judge is incorrect because he misapprehended the fact that the complainant is not seek the council of the Second Circuit to overturn a decision by judge McHahon of the District Court. In fact in Lau v. Meddaugh F.3d _____, see publish opinion, 99-9363 (A injunction vacated and remanded)

Furthermore, I have addition facts to state and is "**not conclusory**" statements were I unintentionally overlook which that I bring to the attention of the judicial council relevant matter not already brought to its attention to the chief judge of the Second Circuit may be of considerable help to the judicial council to show that judge McHahon is guilt for judicial miscount. But in order for the complainant to further specific allegation, I need to amend my complaint.

Also, the complainant submitted evidence of judge McHahon's bias. What I submit to the Chief Judge of the Court of Appeals was a newspaper from the Law Journals which show her career as a acting Supreme Court judge of the State of New York before when she was a District Court Judge and is relevant to prove her bias on the defendant Meddaugh who is also a Acting Supreme Court Justice too.

As matter of law, the complainant should a opportunity to amended his complaint, see, Amaker v. New York City, 00-7761 (unreported) (Oct 18, 2000) (The United Stated Court of Appeals for the Second Circuit vacating sue sponte dismissing the complaint against New York City Broad of Collective Bargaining and its individual members without providing the plaintiff an opportunity to amend the plaintiff's complaint and provide a copy of the Broad decision the plaintiff challenges)

This case apply to my case because I was going to amend my complaint by give new specific facts of events that happen with the District Court judge and I was deprive of that fair opportunity by the chief judge. pursuant to the Amakers case, I should allow that fair opportunity as matter of law and as well matter of fact.

I attached this legal authority in this petition to review and as well for the letter of the clerk's office inform me I have right to appeal.

I ask this council respectfully to reverse the chief judge of the federal Court of Appeals of his decision and where he erred in dismissing my complaint against District Court judge Colleen McHahon, U.S.D.J. S.D.N.Y. without providing me an opportunity to amend my complaint.

Respectfully Submitted,


Gilbert Lau,
Petitioner

CC: All Members of the House Judiciary Committee of the Congress of the United States Congress
(Without attachments)
CC: Honorable Congressman Henry J. Hyde, Chairman of the House Judiciary Committee
(Without attachment)
CC: Honorable Congresswomen Carolyn B. Maloney
(Without attachment)