

2777 Alvarado Str
Suite C
San Leandro, CA 94577
(510) 396-0012

January 22, 2008

Hon. Alex Kozinski
U.S. Court of Appeals 9th Circuit
125 S Grand Ave
Pasadena, CA 91105-1643

Dear Chief Judge Kozinski,

Over 60 days ago, I submitted a Judicial Misconduct Complaint to the Ninth Circuit. As of today, I have not yet received confirmation about the filing of the complaint.

On November 21, 2007, I mailed the judicial misconduct complaint to the Ninth Circuit. The delivery confirmation shows that the complaint was received on November 23rd. A copy of the complaint was mailed to you and former Chief Judge Schroeder. On December 12, 2007, I wrote a letter regarding the status of the complaint.

I telephoned and talked to Gwen Baptiste -- the Senior Case Expeditor in charge of processing complaints -- several times. She told me that the complaint would be filed as soon as possible, but I never received a confirmation letter. I left a number of detailed voice messages on her answering machine, specifically asking about the status of my complaint and requesting her to return my call.

Getting no responses, on January 4, 2008, I sent a letter addressed to the clerk of court at P. O. Box 193939, San Francisco, CA 941119-3939, again requesting confirmation of the filing of the complaint. See attached. That letter was delivered on January 8, 2008.

I telephoned Ms. Baptiste a few more times. Since I did not have a direct number, I always called 415-355-8000 and had the clerk transfer my call. Ms. Baptiste's voice mail greeting indicated that she would be back in office on January 11, 2008. After that day, I called again and left a couple of detailed voice messages.

Today, January 22, 2008, I called again. Ms. Baptiste's voice mail greeting remains unchanged: she will be back on January 11. I left another message, stating

that there had been an unreasonable delay in processing my complaint.

After I left the message, I telephoned the clerk again and asked to talk to someone else who could help. I was informed that Ms. Baptiste is the only person who handles judicial misconduct complaints. To my surprise, the clerk also told me that Ms. Baptiste was actually in the office. I re-confirmed with the clerk that Ms. Baptiste was in the office and asked to be transferred to her line again. No one answered the phone, and I left another detailed voice message stating that I was informed that she was in the office and please respond to my inquiries.

Committee Standards for Assessing Compliance with the Act Rule 4 defines the “expeditious review” standard in 28 U.S.C. § 352(a) as follows: “it would be a rare case in which more than sixty days is permitted to elapse from the filing of the complaint to the chief judge’s action on it.”

In this case, my complaint was received by the Ninth Circuit 60 days ago, but I haven’t received confirmation that my complaint had been filed. My numerous inquiries were met with silence.

Thank you for your attention to this matter.

Sincerely,



Dongxiao Yue

Attached:

Complaint against District Judge Martin J. Jenkins
January 4, 2008 letter to the clerk

CC: Justice Stephen Breyer