

JUDICIAL COUNCIL OF THE NINTH CIRCUIT
SECOND SUPPLEMENT TO COMPLAINT OF JUDICIAL MISCONDUCT

(Title 28 U.S.C. §372(c))

Docket No. 94-80469

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - # P-498 824 909

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, RONALD BRANSON, declare and say:

1. That the facts herein stated are personally known to me to be true, and that I could competently testify thereto if called upon as a witness to do so; that other matters herein stated of a conclusory nature are based on my opinion, information, and belief, and as to those matters, I believe them to be true.

2. That I am the complainant in the Complaint of Judicial Misconduct assigned Docket Number 94-80469; that I hereby present a *Second* Supplement to that Complaint citing additional and further judicial misconduct to that of which complaint has already been made and supplemented.

3. That I hereby add to Item 2 of the original Complaint, "Judges complained about" the name of STEPHEN S. TROTT, U.S. Court of Appeals for the Ninth Circuit and include herewith copies of all previous documents for distribution to him.

4. That I stated in Paragraph 9 of my supporting declaration to the original Complaint that I suggested Judge TROTT, named on the December 9th Order, recuse himself as my personal friend, for the reasons set forth in my declaration supporting the Exception to Order Filed December 9, 1994, and Motion for Rehearing of Recusal Motion, accompanying the Complaint; that accordingly I did not, for friendship sake, include him in said Complaint.

5. That it is with great reluctance and deep regret that I am now forced to add Judge TROTT to the original Complaint as a direct and proximate result of the Order filed January 19, 1995, a copy of which is attached hereto as "EXHIBIT 2A" and made a part hereof; and that in so doing, I

make a distinction between "Judge TROTT" whom I don't personally know and "Steve Trott" whom I do as I stated in previous documentation accompanying the original Complaint.

6. That I file concurrently herewith my Exception to Order Filed January 19, 1995, a copy of which (the declaration alone) is attached hereto as "EXHIBIT 2B" and made a part hereof, which fully describes the circumstances surrounding that Order of January 19th.

7. That my declaration attached as EXHIBIT 2B sets forth the second incident of judicial misconduct, compounding that to which complaint has already been made to the Judicial Council. That unless the Council otherwise directs, I do not repeat my statements made in EXHIBIT 2B here, but incorporate them by reference as if fully set forth herein.

8. That I stated in my declaration supporting the original Complaint, at Paragraph 13, and repeated in Paragraph 4 of my first Supplement, "That the reason I am bringing this matter to the attention of the Judicial Council is that I anticipate that the Ninth Circuit judges involved will disregard the motion for rehearing by denying it without comment and will continue its 'avoidance maneuvers' by evading the facts and foreclosing this motion redress and request that the Judicial Council correct the problems before they are further compounded."

9. That as shown by the Order of January 19th [EXHIBIT 2A attached], my prediction has now come to pass, and indeed the Ninth Circuit judges involved **did disregard my motion for rehearing the recusal motion** by (1) *refusing to acknowledge the existence of the motion* which was presented; (2) mislabeling it as a "motion for reconsideration of this court's December 9, 1994 order" *which it was not*, as fully explained in EXHIBIT 2B attached; and (3) denying without comment the non-existent motion labeled as aforesaid. That indeed they **did in fact continue the court's "avoidance maneuvers" by evading the facts presented to them** as I have outlined in EXHIBIT 2B and **have indeed foreclosed the motion redress process** --the latest in a series of procedural foreclosures to the federal adjudicatory processes as stated in Paragraph 12 of my supporting declaration to the original Complaint.

10. That I again reiterate, as I did in Paragraph 10 of my first Supplement, that the purpose for bringing this matter to the Judicial Council is to correct problems already existing in this case ***before they are further compounded.***

11. That until the Court *acknowledges the existence of the problems* that have been presented before it on the record, the problems will **not** be corrected in the normal course of proceeding but, if left to the Court, will continue on in ever-compounding fashion as they have for years up to this point.

12. That as shown by the Clerk's letter of January 12, 1995, explained in my first Supplement to the Complaint; and now by the Order filed January 19, 1995, explained in my declaration attached hereto as EXHIBIT 2B as part of this Second Supplement to the Complaint, the misconduct is spewing forth unabated, compounding the judicial misconduct which has already disfigured this case beyond recognition; that accordingly, I respectfully request that the Judicial Council issue a *stay of any further proceedings in this case, No. 94-55951*, until such time as the existing problems are corrected so that the case can proceed **according to law** and not by fiat.

13. That as the case now stands, the Court is already threatening to "submit [this] case without oral argument" to which I have objected and made part of my first Supplement; that as I stated in Paragraph 6 of my supporting declaration to that Objection "the Ninth Circuit Court, in its current state of denial, is now railroading this appeal through a *sham briefing schedule* and a *sham submission of the case* while the serious questions raised are ignored by the Court and remain unresolved in violation of my rights to fair and lawful procedures" **and which is now a certainty** as evidenced by the latest move --the January 19th Order [EXHIBIT 2A].

14. That unless the Judicial Council intervenes, further disaster and injustice is sure to result.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of January, 1995, at Los Angeles, California.

s/_____

RONALD BRANSON, Complainant

Exhibits attached.

FILED
JAN 19 1995
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RONALD BRANSON,)	No. 94-55951
)	
Plaintiff-Appellant,)	DC# CV-94-1932-MLR
)	Central California
vs.)	
)	
BETTY B. FLETCHER, et al.,)	ORDER
)	
Defendants-Appellees.)	
)	

Before: D.W. NELSON, HALL and TROTT, Circuit Judges

Appellant's motion for reconsideration of this court's
December 9, 1994 order is denied.

No further motions for reconsideration, rehearing,
clarification of this court's December 9, 1994 order shall be
filed or entertained in this docket.

EXCEPTION TO ORDER FILED JANUARY 19, 1995

*(filed concurrently with Second Supplement to Complaint
of Judicial Misconduct -- Docket No. 94-80469)*

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - # P-498 824 908

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, RONALD BRANSON, declare and say:

1. That I am the appellant herein; that all facts herein stated are personally known to me to be true and that I could competently testify thereto if called upon as a witness to do so; that other matters herein stated of a conclusory nature are based on my opinion, information, and belief, and as to those matters, I believe them to be true.

2. That I hereby except to the Order filed January 19, 1995 by Circuit Judges D.W. NELSON, HALL, and TROTT, a copy of which is attached hereto as "EXHIBIT 2A" and made a part hereof, stating "Appellant's motion for reconsideration of this court's December 9, 1994 order [*sic*] is denied."

3. That I did not file a "motion for reconsideration of this court's December 9, 1994 order", but a "Motion for Rehearing of Recusal Motion" under the **REQUIRED procedures** contemplated by Title 28 U.S.C. §455(a) interpreted and established by the U.S. Supreme Court, **which this court has failed and NOW REFUSES to perform**, in which I made four points of exception to the December 9th order.

4. That I make this Exception to the January 19th Order on the identical bases as my Exception to the December 9th Order, made by the same judicial panel, which are as follows:

(a) Appellant's first exception is to the court's "constru[ing]" the "Declaration of Appellant Ronald Branson" as a "motion for default judgment."

EXHIBIT 2B

(b) Appellant's second exception is to the court's evasion of the issue of standing of the "appellees" to appear in this appeal, which evasion appears to be an intentional tactical maneuver of avoidance by the court's unfounded conversion of appellant's declaration, initially bringing the issue of standing to the court's attention, into what the court chose to label "a motion for default judgment."

(c) Appellant's third exception to the Order [of December 9th] is the court's failure to address the conflict of interest issue to which the motion for recusal of the Ninth Circuit was specifically directed.

(1) First conflict cited: Three of the defendants [appellees] are themselves Ninth Circuit judges.

(2) Second conflict cited: The impropriety of the Ninth Circuit contacting the U.S. Attorney's Office and inviting it into this appeal on behalf of appellees.

(3) Third conflict cited: The judges of the Ninth Circuit, who would sit in judgment of this appeal, share the same legal counsel of the U.S. Attorney's Office, as do the defendants [appellees].

(d) Appellant's fourth exception to the Order [of December 9th] is the failure of the Ninth Circuit to carry out this "critically important" function [of identifying the facts that might reasonably cause an objective observer to question impartiality in deciding the Motion for Recusal under Title 28 U.S.C. §455(a)].

5. That in addition to citing the above points of exception to the December 9th Order, regarding my motion for *rehearing of the recusal motion* I requested the court to do the following:

(a) Appellant requests that the standing issue be determined by law.

(b) Appellant requests that the conflict arising out of Ninth Circuit judges as defendants be addressed and resolved by the court.

(c) This court must address the conflict involving their impropriety of contacting the U.S. Attorney's Office in violation of the Code of Judicial Conduct and inviting it to appear.

(d) Appellant requests that the court address and resolve the conflict of interest involving the status of the U.S. Attorney's Office as legal counsel for the appellees herein, being the same as that of the Ninth Circuit judges who would be the reviewing tribunal of this appeal --the court and appellees having the same legal counsel.

(e) Appellant requests that any other conflicts of interest that are mentioned in the [recusal] motion, or even if not mentioned, be discussed and evaluated under §455(a).

(f) Whether or not it can or will be done fairly, this court at a minimum **must** "identify the facts that might reasonably cause an objective observer to question impartiality."

6. That "**denied**" does not respond to these **REQUIRED** issues; the Order of January 19th [EXHIBIT 2A attached] does not even ***acknowledge*** what was brought before the court.

7. That as a proximate result of the December 9th Order by which the Ninth Circuit Court ***refuses to acknowledge*** the grounds for recusal made under §455(a) -- creating a "Checkmate" -- I was forced to bring a Complaint of Judicial Misconduct under Title 28 U.S.C. §372(c) before the Judicial Council of the Ninth Circuit, assigned Docket No. 94-80469, in order to untangle the web that has been spun by the federal judiciary over the past seven years, creating the very cocoon in which this Court has now become ensnared and unable to proceed according to law.

8. That I stated in my supporting declaration for said Complaint, in paragraph 13, that the reason for bringing this matter to the attention of the Judicial Council is that I anticipate that the Ninth Circuit judges involved will disregard my motion for rehearing by denying it without comment and will continue its "avoidance maneuvers" by evading the facts and foreclosing this motion redress and request that the Judicial Council ***correct the problems before they are further compounded.***

9. That since I made that statement on December 17, 1994, there has been two incidents of further compounding of the very misconduct complained of.

10. That on January 18, 1995, I mailed to the Ninth Circuit Court my "Objection to Submission of Appeal" wherein I explained by declaration my objection to a letter dated January 12, 1995 which states "The United States Court of Appeals for the Ninth Circuit is considering

submission of your case...." while there was still pending and undecided my Exception to the Order filed December 9, 1994, and Motion for Rehearing of the Recusal Motion.

11. That I listed the questions that were still pending and stated that before this appeal can proceed at all, those questions **must** first be addressed and resolved by the court.

12. That I filed concurrently therewith a Supplement to the Complaint of Judicial Misconduct alleging the further compounding of judicial misconduct.

13. That the second incident of compounded judicial misconduct, since the filing of the Complaint with the Judicial Council to halt further misconduct, is the subject Order of January 19, 1995 [EXHIBIT 2A attached].

14. That my prediction that the Ninth Circuit would disregard my motion for rehearing of the recusal motion and deny it without comment, continuing its "avoidance maneuvers" and evading the facts and foreclosing this motion redress, has now proved true, as evidenced by this Order of January 19th.

15. That as a proximate result of this January 19th Order, I am forced to now file a Second Supplement to the Complaint of Judicial Misconduct concurrently herewith.

16. That as my original Complaint of Judicial Misconduct shows, I did not name Judge TROTT in the Complaint out of personal respect for him as an individual whom I have known long before he obtained his judgeship; that I strongly suggested on the record that "Steve" as I know him, recuse himself from this entire debacle on a personal basis.

17. That I am surprised that Steve has ***not recused himself*** nor responded, pro or con, to my suggestion as a friend.

18. That it is with great hesitance and reluctance I must now, under the circumstances, add the name of Judge STEPHEN S. TROTT as participating in this intolerable misconduct, in light of this current development.

19. That until this entire matter is straightened out, further conduct by the Ninth Circuit will be a ***sham*** conducted by ***judicial fiat*** in direct contempt of Congress and of the law, as the record, upon which I rely, shows.

20. That in the interest of halting the repeated and continuing judicial misconduct now going on herein, I am specifically requesting, in my Second Supplement to the Complaint of Judicial Misconduct, that the Judicial Council of the Ninth Circuit *stay all further conduct until this matter is straightened out*, thereby avoiding the need for constantly "chasing" one misconduct after another with a corresponding complaint to the Judicial Council.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 23rd day of January, 1995, at Los Angeles, California.

s/ _____

RONALD BRANSON, Appellant