

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

(Title 28 U.S.C. §372(c))

Docket No. 94-80469

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - # P-498 824 906

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 supplement that Complaint citing an additional act that has taken place since the filing of the original Complaint involving further misconduct related to that of which complaint has already been made.

3. That on January 12, 1995, the Clerk informed me by letter, a copy of which is attached hereto as "EXHIBIT (1)" and made a part hereof, that "The United States Court of Appeals for the Ninth Circuit is considering submission of your case without oral argument."

4. That I stated in my declaration supporting the original Complaint, at paragraph 13, "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."

5. That I have not yet received a ruling on my motion for rehearing of the recusal motion, a copy of which has been presented with the original Complaint.

6. That I received the letter attached hereto as EXHIBIT (1) which has the substance and effect of carrying out the very judicial misconduct I predicted would be done by the Ninth Circuit.

7. That apparently the judges on the panel before whom the motion for rehearing is pending, namely, Judges D.W. NELSON, HALL, and TROTT, instructed the Clerk to send the letter shown as EXHIBIT (1), informing me that the court is considering submission of the appeal without oral argument, despite the fact that the motion for rehearing is pending.

8. That the original Complaint named only Judges NELSON and HALL in this regard, but that to my knowledge, Judge TROTT has not yet recused himself from this matter based on our personal friendship explained in my supporting declaration, Paragraph 9.

9. That I have filed concurrently herewith my objection to the submission of this appeal in the absence of the resolution of the questions pending in my motion for rehearing, a copy of which objection, minus its exhibits, is attached hereto as "EXHIBIT (2)" and made a part hereof.

10. That I reiterate 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 as shown by the letter dated January 12, 1995 from the Clerk [EXHIBIT (1)], the problems are being further compounded in Appeal No. 94-55951.

12. That it appears that there is an attempt being made to do an out of bounds end run around the problems facing "The United States Court of Appeals for the Ninth Circuit", January 12th letter; that I now anticipate that this appeal is going to be railroaded through regardless of the problems described in my original Complaint of Judicial Misconduct and its accompanying documents.

13. That the conditions described in the original Complaint are further exacerbated by the latest "move" shown by the January 12th letter, and that they will continue to grow until the problems are corrected.

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

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

RONALD BRANSON, Complainant

Exhibits attached.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
121 Spear Street, P.O. Box 193939
San Francisco, CA 94104-3939

CA No. 94-55951 Branson v. Fletcher

To All Parties:

The United States Court of Appeals for the Ninth Circuit is considering submission of your case without oral argument. You have ten (10) days from the date of this letter to present a statement setting forth the reasons why oral argument should be heard in this case. See 9th Cir. R. 34-4. Please send an original and three (3) copies of your statement to Clerk's Office in San Francisco, and show proof of service to opposing counsel.

The court welcomes additional citations, without argument, of relevant decisions rendered since the filing of a party's last brief. See Fed. R. App. P. 28(j). Send an original and three (3) legible copies to the Clerk's Office on letter size paper, with proof of service on all parties.

Very truly yours,

Cathy A. Catterson
Clerk of Court

By: Tim Hom
Deputy Clerk

EXHIBIT (1)

OBJECTION TO SUBMISSION OF APPEAL

(filed concurrently with Supplement to Complaint of Judicial Misconduct

Docket No. 94-80469)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - # P-498 824 905

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 object to the letter dated January 12, 1995, a copy of which is attached hereto as "EXHIBIT (1)" and made a part hereof, stating "The United States Court of Appeals for the Ninth Circuit is considering submission of your case...." while there is yet pending and undecided my Exception to the Order filed December 9, 1994 and Motion for Rehearing of the Recusal Motion, a copy of which document is attached hereto as "EXHIBIT (2)".

3. That EXHIBIT (2) shows that pending before the "United States Court of Appeals for the Ninth Circuit" and more specifically before Judges D.W. NELSON, HALL and TROTT, are the questions of :

(a) appellees' standing to appear in this appeal, which brings in the question of the *existence* of "opposing counsel" in this case;

(b) the conflicts of interest of the Ninth Circuit Court of Appeals in deciding this appeal, arising out of Ninth Circuit judges being defendants and fellow colleagues, and arising out of the U.S. Attorney being legal counsel for *both* the Ninth Circuit Court defendants *and* the Ninth Circuit Court judges sitting in judgment;

(c) the misconduct of the Ninth Circuit Court of Appeals contacting the U.S. Attorney, "the other side", *ex parte* in violation of the Code of Judicial Conduct; and giving them "the Blue Brief", as the U.S. Attorney chose to call it.

EXHIBIT (2)

(d) the Court's failure to identify the facts that might reasonably cause an objective observer to question impartiality, as required by law in deciding the recusal motion under 28 U.S.C. §455(a).

4. That before this appeal can proceed "to submission" *with or without oral argument*, the above questions must be addressed and resolved. As stated, whether the Ninth Circuit, in its current state of denial, is capable of facing off with these issues, is dubious.

5. That I do not waive my right to oral argument in this appeal at such time as it becomes appropriate to conduct oral argument before a disinterested and impartial court.

6. That 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.

7. That the current lawsuit against the judicial defendants is based on their failure to comply with procedural law, ethics and propriety in the underlying case; that such judicial misconduct is now being compounded by misconduct of the judiciary handling this "remedial" suit. That instead of the Court providing the required remedy for alleged previous wrongdoing, it creates *further wrongdoing* itself, causing more damage with no relief in sight.

8. That a Complaint of Judicial Misconduct involving Judges D.W. NELSON and HALL, before whom the above questions are pending, has been directed to the Judicial Council of the Ninth Circuit under 28 U.S.C. §372(c), Docket No. 94-80469, a copy of the acknowledgement of which is attached hereto as "EXHIBIT (3)" and made a part hereof.

9. That to my knowledge there is no decision by Judge TROTT, i.e., "Steve", who is part of that judicial panel, on whether he wishes to recuse himself based on our personal friendship.

10. That I am filing concurrently herewith a Supplement to the Complaint of Judicial Misconduct to the Judicial Council of the Ninth Circuit, Docket No. 94-80469, alleging this further compounding of judicial misconduct.

11. That any further proceeding in this appeal, without addressing the questions raised and pending resolution, as aforesaid, will be in direct violation of federal statute, in direct violation of

the Code of Judicial Conduct, and in direct contempt of Congress and the law. That such violations are committed knowingly, willingly, and intentionally, in deliberate disregard of my rights.

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

Executed this 17th day of January, 1995, at Los Angeles, California.

s/ _____

RONALD BRANSON, Appellant

Exhibits attached.

