

**OFFICE OF THE CLERK  
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT**

**MEMORANDUM**

April 16, 2003

To: Members of the Ninth Circuit Judicial Council:  
Circuit Judges B Fletcher, Kozinski, Tashima, Thomas and W  
Fletcher, District Judges Patel, Shubb, Bryan, Ezra and Shanstrom

From: *CAC*  
Cathy A. Catterson, Clerk of Court

Re: Petition for Review of Complaint of Judicial Misconduct  
No. 03-89009

Pursuant to Chapter III of the Rules of the Judicial Council Governing Complaints of Judicial Misconduct or Disability enclosed is a petition for review of Chief Judge Schroeder's order of dismissal in the above complaint.

A copy of the file in this matter is also enclosed. Please return your completed ballot within 20 days. You may keep the file materials in your office or destroy them. If I may provide you with any further assistance please let me know.

CAC/gb  
Encls.  
cc: Complainant

TYRONE DUFF  
LINDA DUFF  
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P.O.Box 2512  
Bellingham, WA. 98225  
(360)752-1775

**FILED**

APR 16 2003

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

April 9, 2003

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

Petition to the Judicial Council for Review on Doc.# 03-89009

We hereby petition the Judicial Council for review of Chief Judge Mary M. Schroeder's Order dated March 18, 2003, dismissing the Duff Defendants' Complaint, in which her Order failed to address the main issue of the complaint, which is a matter of Constitution and Laws of the United States and the State of Nevada, "Whether United States District Judge Edward C. Reed's Order (Doc.#139) filed July 12, 2001 (attached to Duff Defendants' Complaint as Exhibit "1") terminated the United States District Court, District of Nevada's jurisdiction in this matter by dismissing Defendant, State of Nevada, with prejudice, which dismissed the "TORT ACTION" required by "LAW" pursuant to N.R.S. 41.0337 and N.R.S. 41.031 (Nevada Revised Statutes) in order for the United States District Court, District of Nevada to maintain jurisdiction over the Plaintiff's complaint for redress under 42 U.S.C. §1983 for his alleged conspiracy to deprive him of his rights under color of State law." Which produces the "merit" of the Duff Defendants' complaint.

Therefore, if District Judge Reed's Order (Doc.#139) filed July 12, 2001, dismissing Defendant, State of Nevada, with prejudice which dismissed the "TORT ACTION" terminating the United States District Court, District of Nevada's jurisdiction in this matter, then it has to be accepted that the judges, set forth in the complaint, continued to act, at all times relevant hereto, in the clear absence of all jurisdiction with full personal knowledge of their jurisdictional absence, after the filing of District Judge Reed's Order (Doc.#139).

Producing the fact, they participated in the conspiracy set forth in the complaint, in which all Orders and/or judgments filed after the Order (Doc.#139) July 12, 2001 were without jurisdiction to do so.

United States District Judge Edward C. Reed, Jr., a year after filing his Order (Doc.#139) July 12, 2001, dismissing the "TORT ACTION", he filed his Order (Doc.#232) July 5, 2002 (attached to Duff Defendants' Complaint as Exhibit "13") dismissing the remaining State Defendants, with prejudice, in which District Judge Reed state on page 7, lines 14-18, page 8, lines 11-16 and page 9, lines 2-4:

"First, Mr. Duff filed his complaint with the board in 1993. Dr. Lewis alleges that the conspiracy began in 1995 after he asked for payment from the Division of Child and Family services. There is no way that a complaint filed in 1993 could be the basis for a conspiracy that began in 1995."

"To begin, this is not the basis for Dr. Lewis's complaint. Dr. Lewis's complaint specifically refers "only" to a filing of a complaint in 1995, not a revival of a past complaint and Dr. Lewis never moved to amend his complaint to add this new basis for liability." (Emphasis added).

"Therefore, Dr. Lewis has not produced any admissible evidence that supports his claim of conspiracy".

Chief Judge Schroeder's Order has condoned the criminal conspiracy of the judges set forth in the complaint by their continuing to act in this 42 U.S.C. §1983 action after District Judge Reed filed his Order (Doc.#139) July 12, 2001, dismissing the "TORT ACTION" which by law terminated the United States District Court, District of Nevada's jurisdiction in this matter, pursuant to N.R.S. 41.0337 and N.R.S. 41.031. For it is impossible for the Duff Defendants to of acted under color of State law without a "TORT ACTION", producing the fact, without a tort action and any State Defendants, the Plaintiff cannot state a claim upon which relief can be granted under color of State law to meet the legal requirements for an action for redress under 42 U.S.C. §1983. District Judge Reed states in his Order (Doc.#232) on page 7, lines 8-9:

"Dr. Lewis cannot state a deprivation of constitutional rights, and, therefore, cannot maintain a section 1983 claim."

Which raises a substantial question, if not through the conspiracy, set forth in the complaint, on what legal basis is District Judge Reed now proceeding to trial in this matter, two (2) years after he dismissed the "TORT ACTION" in his Order (Doc.#139) filed July 12, 2001 and one (1) year later dismissing the remaining Defendants except for the Duff Defendants in his Order (Doc.#232) filed July 5, 2002? Producing the fact, the Duff Defendants are the only remaining Defendants in this 42 U.S.C. §1983 action, in which District Judge Reed Denied three (3) Motions to Dismiss, with prejudice, filed by the Duff Defendants.

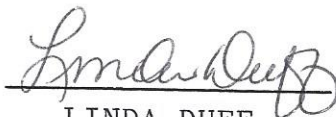
Should the Judicial Council Affirm Chief Judge Schroeder's Order, the Duff Defendants will have no other recourse but to take their complaint, Chief Judge Schroeder's Order and the Judicial Council's Order before the Judicial Committees of the United States House of Representatives and the United State Senate, with copies to the Media.

For the Judicial Council to Affirm Chief Judge Schroeder's Order, would be stating the United States District Court, District of Nevada does not require, by law, a "TORT ACTION" in order to maintain jurisdiction over an action for redress under 42 U.S.C. §1983, which would set a "PRECEDENCE" for others to cite, in violation of the Constitution and Laws of the United States and the State of Nevada.

Based on the facts set forth herein, the Duff Defendants request the Judicial Council to remand their complaint back, to proceed with disciplinary action against the judges set forth in their complaint.



TYRONE DUFF



LINDA DUFF