

JUN 14 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 11-90021, 11-90022,
11-90023 & 11-90036

ORDER

KOZINSKI, Chief Judge:

Three complainants allege that a district judge lacked jurisdiction to preside over a criminal case against one complainant and made various improper rulings, including holding the other two complainants in contempt of court for refusing to produce documents in response to a subpoena. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainants also allege the district judge conspired against them by allowing false statements during a contempt hearing. The hearing transcript doesn't support complainants' allegations. Complainants haven't provided any other objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Because

there is no evidence that misconduct occurred, these charges must be dismissed.

See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.