

JUL 12 2012

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

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

Nos. 12-90019, 12-90020 and  
12-90021

ORDER

**KOZINSKI**, Chief Judge:

Complainant alleges that two district judges and a magistrate judge were biased against him because of his pro se status. He says the magistrate judge “insulted” and “ridiculed” him in the report and recommendation by concluding that he did not state a plausible claim. Complainant further argues that the district judges should have prevented the magistrate judge’s conduct. Review of the record shows that the magistrate’s report was professional in tone and simply recommended dismissal of his complaint for failure to state a claim. Because adverse rulings don’t prove bias, and complainant offers no other evidence to support his claim, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also makes unsupported allegations that the judges “turned their backs” on the Constitution, violated their oaths of office and engaged in

“judicial trespass.” Because there is absolutely no evidence of misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**