FILED

JAN 14 2013

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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF **JUDICIAL MISCONDUCT**	Nos. 12-90086, 12-90087 and 12-90088 **ORDER**

KOZINSKI, Chief Judge:

Complainant alleges that three circuit judges made erroneous rulings in his civil case. These allegations relate directly to the merits of the judges' rulings and must therefore be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B). Complainant's attempt to impugn the ruling by comparing its length or the number of citations it contains with the briefs and the district court's ruling is specious.

Complainant further insinuates that the judges must have had ex parte communications with the government and may have been improperly influenced because Congress amended a relevant law while his case was pending. These speculations are implausible on their face, and "[c]omplainant hasn't provided objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations." In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because there is

absolutely 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).

Finally, complainant alleges that the judges displayed bias and hostility toward him in a memorandum and other rulings. While the panel noted its strong disapproval that complainant manipulated the formatting so as to enable himself to write an overlong reply brief, the rebuke was both justified and mild in light of complainant's improper conduct. All other aspects of the disposition were entirely appropriate. Complainant is simply unhappy with the result, but adverse rulings aren't proof of hostility or bias. These charges must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d at 598; Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.