

JAN 31 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 12-90116

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a magistrate judge made erroneous rulings in his civil case and should have recused himself. These charges relate directly to the merits and are therefore dismissed. See 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); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges the magistrate judge was biased against him and conspired with opposing parties. But adverse rulings aren't proof of bias or conspiracy, see In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009), and, in the absence of any other 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).

Complainant also alleges that the magistrate judge had ex parte

communications with opposing parties and improperly engaged in political activities. Because complainant presents no evidence to support these allegations, they are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.