

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 13-90125, 13-90126,
13-90127, 13-90128, 13-90129,
13-90130, 13-90152, 13-90163
and 13-90175

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that six district judges and a magistrate judge improperly handled his in forma pauperis requests and erroneously dismissed his civil rights cases. He also claims that the judges were biased against him and conspired to protect the defendants. But complainant provides no evidence of misconduct. He merely expresses his disagreement with various rulings made by the judges.

Allegations relating directly to the merits of a judge's rulings can't be vindicated through the misconduct procedure. 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); Judicial-Conduct Rule 11(c)(1)(B). Nor do adverse rulings, standing alone, prove bias. Because complainant hasn't offered any other evidence of misconduct,

all these charges must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant makes no allegation against a seventh named district judge. “Under our rules, a judicial misconduct complaint ‘must contain a concise statement that details the specific facts on which the claim of misconduct or disability is based.’” In re Complaint of Judicial Misconduct, 630 F.3d 968, 968–69 (9th Cir. Jud. Council 2010) (quoting Judicial-Conduct Rule 6(b)). Because complainant’s statement of facts sets forth no allegations of misconduct, the complaint against this district judge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(i).

Complainant also alleges misconduct by an individual who is no longer a federal judge. The complaint procedure only applies to certain enumerated federal judges. Judicial-Conduct Rule 4; see In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011). Accordingly, these allegations are dismissed.

Complainant is cautioned that if he files “repetitive, harassing, or frivolous complaints” or “otherwise abuse[s] the complaint procedure,” he “may be

restricted from filing further complaints.” Judicial-Conduct Rule 10(a).

DISMISSED.