

NOV 25 2014

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

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 13-90149, 13-90150,
13-90151 and 13-90211

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that three district judges and one magistrate judge are biased and conspired against him. Complainant's evidence consists entirely of adverse rulings, which cannot alone prove bias or conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant offers no other evidence to support his claims, these charges are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Furthermore, any disagreement complainant has with the judges' rulings is merits-related and not cognizable in misconduct proceedings. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also claims that two of the judges took a bribe from a prison warden. As evidence, complainant alleges that the warden said complainant's lawsuit cost him "a couple grand." Even if the warden made this statement, it isn't

proof of bribery. This claim is therefore dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that one of the district judges has a “mental or physical disorder” that caused the judge not to be able to preside over his case. But adverse rulings do not serve as proof of a mental disability. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant presents no other proof, this charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

I dismissed complainant’s previous misconduct complaints against different judges, which included similar allegations. See In re Complaint of Judicial Misconduct, Nos. 13-90070+ (9th Cir. Jud. Council Mar. 31, 2014). Further misconduct complaints presenting fundamentally similar allegations may be summarily dismissed as frivolous. See Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.