FILED

AUG 27 2015

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

**JUDICIAL COUNCIL**

**OF THE NINTH CIRCUIT**

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| **IN RE COMPLAINT OF**<br><br>**JUDICIAL MISCONDUCT** | Nos. 14-90032, 14-90033, 14-90034, 14-90035, 14-90036, 14-90037, 14-90038, 14-90039, 14-90040, 14-90041, 14-90042, 14-90043, 14-90044, 14-90045, 14-90046, 14-90047, 14-90048, 14-90049 and 14-90050<br><br>**ORDER** |

**THOMAS**, Chief Judge:

A disbarred attorney filed a complaint of judicial misconduct naming ten circuit judges, four district judges, four bankruptcy judges and a magistrate judge that were involved in his foreclosure and truth in lending cases and related appeals. He alleges that all of the judges made improper rulings, including allegedly not addressing standing issues or following the rule of law. Complainant alleges that a few of the judges improperly failed to recuse or improperly denied his motions to recuse other judges. These charges relate directly to the merits of the judges' rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); see also 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). To the extent complainant alleges that

the judges acted with knowledge of a conflict of interest or corrupt motive, the claim is dismissed because he has produced no evidence of a corrupt motive or even that recusal was appropriate. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009).

Citing only adverse rulings as evidence, complainant further alleges that all of the judges must have been biased against him. Complainant claims that the bankruptcy judges are engaging in "a criminal enterprise" to deny equal protection to debtors. However, adverse rulings are not proof of bias or a criminal conspiracy, so these charges are dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 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 alleges that certain judges delayed rulings in his various cases. But delay is not misconduct "unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009). Because complainant provides no evidence of improper motive or habitual delay, this charge is dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

One of the district judges named in this misconduct complaint has retired,

so the allegations against that judge are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

To the extent complainant claims misconduct by the trustee, or any other party to his cases, these claims are dismissed because the Judicial Council has no authority to investigate misconduct by anyone other than federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**