

FILED

AUG 19 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 15-90040, 15-90041,
15-90042 and 15-90043

ORDER

THOMAS, Chief Judge:

Complainant alleges that two district judges and two circuit judges made improper rulings in her civil cases and appeals. Complainant further claims that several of the judges should have been disqualified from presiding over her cases. Any disagreement complainant has with the judges' rulings is merits-related and not cognizable in a misconduct proceeding. 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). Further, allegations that a judge erred in failing to recuse are merits-related and must be dismissed. See In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009). An allegation that a judge presided in a case knowing that he was subject to a conflict of interest may present a viable claim of judicial misconduct. But to state such a claim, a complainant must provide convincing proof that the judge was aware of the

conflict or was acting with a corrupt motive. See In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011). The evidence presented in this case is insufficient to make such a showing, and the allegations are dismissed for lack of objectively verifiable proof. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further claims that the judges demonstrated bias against her as a female, disabled and pro se litigant, and that they harassed and retaliated against her. Adverse rulings cannot prove bias or conspiracy. See In re Complaint of Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant offers no other evidence to support her claims, these charges also must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's allegations against court staff and opposing counsel must be dismissed because this complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.