

FILED

OCT 23 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90133

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge made incorrect factual findings, improperly dismissed her civil complaint with prejudice, and made various other erroneous rulings in the underlying proceedings. These allegations relate directly to the merits of the judge's rulings and must be 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); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the judge had a conflict of interest because the defendants in the underlying case appeared before the same judge in separate, unrelated proceedings. Judges occasionally preside over multiple cases involving the same parties, and doing so is entirely proper. See In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Complainant fails to identify any specific conflict of interest, and her vague and conclusory

allegations raise no inference that misconduct has occurred. Accordingly, these charges must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1372 (9th Cir. Jud. Council 2011) (“vague accusations and convoluted demands don’t satisfy complainant’s obligation to provide objective evidence of misconduct”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge has ties to a major political party, that he made monetary donations to that party before his appointment to the federal bench, and that he has “former ties” to a state bar association.

Complainant does not specify what current “ties” the judge has to any political party and offers no objectively verifiable proof to support this allegation, which is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D). Complainant’s allegations regarding conduct that occurred prior to the judge’s appointment are dismissed as non-cognizable. See 28 U.S.C. § 352(a), (d)(1); In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 4.

Finally, complainant alleges that the judge abused and harassed her, and made defamatory and belittling comments in his written orders. A review of the

record, including the judge's orders in the underlying case, belies complainant's allegation that the judge made improper comments or otherwise treated complainant in a demonstrably egregious or hostile manner. Accordingly, these allegations are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rules 3(h)(1)(D), 11(c)(1)(D).

DISMISSED.