

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. 16-90023, 16-90024,
16-90025, 16-90026 and
16-90027

ORDER

REINHARDT, Circuit Judge¹:

Complainant, a pro se litigant, alleges that a district judge and three circuit judges made improper rulings in his civil case and on appeal. These allegations relate directly to the merits of the judges' 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 alleges that all the subject judges were biased in favor of the opposing parties, and discriminated against complainant based on his ethnicity. Adverse rulings, standing alone, are not evidence of bias, see In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009), and complainant provides no evidence supporting these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial

¹This complaint was assigned to Circuit Judge Stephen Reinhardt pursuant to 28 U.S.C. § 351(c).

Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Next, complainant alleges that both the district judge and the appellate panel treated him in a demonstrably egregious and hostile manner, misstated facts, misapplied court rules and precedent, and ignored the opposing party's "many violations and improper filings." Complainant provides no specific facts in support of these vague and conclusory charges. Moreover, a review of the record, including those portions cited by complainant,² belies these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii), (B); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant alleges that another circuit judge conspired with county officials, "rigg[ed] the process" in favor of the opposing parties, considered ex parte communications, and improperly influenced the district judge and appellate panel in the underlying civil case. These vague allegations are unsupported by any evidence or specific statements of fact, and are dismissed as unfounded. See

² Complainant cites several portions of his appellate briefs in the underlying civil case, in which he argues the merits of his legal claims and contends that the district court ruled incorrectly. This is not evidence of misconduct; rather, these allegations relate directly to the merits of the judges' rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. 2009) (“claimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also claims that this same circuit judge should be investigated for misconduct based on a statement he made at a public ceremony. As is clear from the video recording of the ceremony, this statement was obviously intended—and received—as a joke, and complainant fails to allege any conduct amounting to misconduct or disability. See 28 U.S.C. § 4352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181, 1182 (9th Cir. Jud. Council 2011) (“Because complainant doesn’t allege conduct ‘prejudicial to the effective and expeditious administration of the business of the courts,’ her charges must be dismissed”); Judicial-Conduct Rule 11(c)(1)(A).

To the extent complainant raises allegations against opposing counsel or county officials, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.