

FILED

MAR 2 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90012

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a bankruptcy judge improperly granted summary judgment for the opposing party in an adversary proceeding, improperly denied complainant's motion to recuse, and made various other improper 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 Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011) ("Allegations that a judge erred in failing to recuse are generally dismissed as merits-related"); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the judge conspired with opposing counsel, and speculates that the judge was bribed to rule against complainant. Adverse rulings are not evidence of conspiracy or bribery, and complainant provides no objectively verifiable evidence to support these allegations, which 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, 1371 (9th Cir. 2011) (“adverse rulings do not prove bias or conspiracy”); 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).

To the extent complainant raises allegations against a courtroom deputy, opposing counsel, or other non-judges, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.