

FILED

MAR 23 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90019

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly denied post-conviction motions and made various other improper rulings related to complainant's sentencing. 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 is biased and has retaliated against complainant for challenging his sentence, and that the judge's statements at a resentencing hearing demonstrate such bias. A review of the underlying record, including the transcript of the resentencing hearing, belies complainant's allegations. None of the judge's comments suggest bias or improper motive in sentencing, and complainant's allegations are dismissed as unfounded and conclusively refuted by objective evidence. 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).

DISMISSED.