

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. 17-90021

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge improperly screened and dismissed with leave to amend her pro se civil complaint. 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 fails to liberally construe pro se filings, holds pro se litigants to a higher standard, and is biased against pro se litigants. Complainant offers no proof supporting her claim that the judge treats pro se filings any differently than comparably-pleaded attorney filings, or that pro se cases are “automatically deemed frivolous.” Adverse rulings are not evidence of bias, see In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009), and these allegations are dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. 2009) (“Complainant also accuses the judge of bias against her because she is pro se These vague accusations and convoluted demands don’t satisfy complainant’s obligation to provide objective evidence of misconduct”); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009)(“complainant’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 clerk or other court staff, 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.