

**FILED**

SEP 27 2017

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 17-90062

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se litigant in an adversary proceeding, alleges that a bankruptcy judge was unprofessional and intimidating during a hearing, did not allow complainant to speak, and made improper or hostile comments. These allegations are belied by the record. A review of the recorded hearing shows that the judge allowed complainant ample opportunity to speak, made no improper comments, and did not treat complainant in an egregious or hostile manner. Accordingly, these allegations are dismissed as unfounded and conclusively refuted by objective evidence. See 28 U.S.C. § 352(b)(1)(A)(iii), (b)(1)(B); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1099 (9th Cir. Jud. Council 2014) (“Misconduct includes treating litigants or attorneys in a demonstrably egregious and hostile manner. The comments here do not meet that standard. The judge did not use demeaning language or heap abuse on anybody”) (internal

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

To the extent complainant raises allegations against a party to the adversary proceeding, such 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.**