

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. 17-90090, 17-90091,
17-90092 and 17-90093

ORDER

THOMAS, Chief Judge:

Complainant alleges that the district judge who dismissed his third amended complaint misstated, minimized and omitted material facts. He further alleges that three circuit judges showed “prejudicial indifference” by affirming the district judge’s decision. 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 further alleges that the district judge used sarcastic language in the dismissal order regarding complainant’s opportunity to litigate issues at his administrative hearing. A review of the order demonstrates that the judge was professional, and that the judge’s characterization of complainant’s prior opportunity to litigate was not inappropriate. Because there is no evidence that the judge treated complainant in a demonstrably egregious or hostile manner, this

charge is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098–99 (9th Cir. Jud. Council 2014); Judicial-Conduct Rules 3(h)(1)(D), 11(c)(1)(D).

DISMISSED.