

FEB 7 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90123

ORDER**THOMAS**, Chief Judge:

Complainant alleges that a district judge showed bias against her and a co-defendant in a civil case by not “accepting” complainant’s motions, and instead focusing on the plaintiff’s filings. Further, complainant alleges that the judge demonstrated bias by allowing the plaintiff additional time for discovery without addressing complainant’s concerns. However, adverse rulings are not proof of bias, 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, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge improperly denied the defendants’ motion to dismiss and should have recognized that the case was “legally invalid.” Complainant also notes that English is not her first language, and that the judge denied her request for an interpreter. To the extent complainant

disagrees with the judge's orders, 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).

Finally, complainant claims that the judge inappropriately "pressured" her to retain counsel even though she could not afford an attorney. A review of the record demonstrates that the judge simply expressed concern about complainant's ability to represent herself, based on her improper filings and her request for an interpreter, which the court had no authority to appoint in a civil case. Further, the record shows that the court recently appointed pro bono counsel to represent complainant. This charge is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.