

MAR 03 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALSJUDICIAL COUNCIL  
OF THE NINTH CIRCUITIN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 08-90240

ORDER

**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge improperly denied complainant's motions in a civil case to which complainant was not a party. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

In that civil case and a criminal case to which complainant also was not a party, complainant suspects that the judge was mentally incompetent and alleges that the judge could have been biased against complainant, or a group to which complainant belongs, on account of religion. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. Adverse rulings alone do not prove bias or incompetence. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because there is no evidence that misconduct

occurred or that the judge is disabled, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge had a conflict of interest in both cases because complainant believes the judge to hold a pecuniary interest in a non-party company. Although complainant's evidence appears to show that the judge helped form the non-party company over forty years ago, complainant provides no proof that the judge holds any current interest in the company, or that such an interest, if still held, created a conflict of interest that would amount to misconduct. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant's allegations against parties, developers, attorneys, government officials and a church are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**