

AUG 19 2009

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-90058, 08-90059,
08-90060, 08-90061, 08-90062,
08-90063 and 08-90064

ORDER

PREGERSON, Circuit Judge¹:

Complainant, a pro se litigant, filed a misconduct complaint and a supplement against four circuit judges and three district judges.

Complainant alleges that the judges made various improper substantive and procedural rulings. All these charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not a proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant alleges that the judges were biased against him due to his pro se status and age, but he hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support this

¹ This complaint was assigned to Circuit Judge Harry Pregerson pursuant to 28 U.S.C. § 351(c).

allegation. Adverse rulings do not constitute proof of bias. Because there is no evidence that misconduct occurred, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's allegations against state court judges and court staff must be dismissed because this complaint procedure applies only to federal judges.

Judicial-Conduct Rule 4.

Complainant previously filed a similar complaint that was dismissed because complainant's allegations related to the merits of the subject judges' rulings and also because he attempted to name state court judges. Any further complaints that present fundamentally the same allegations against these judges may be dismissed summarily as frivolous, and complainant is cautioned that the Judicial Council can restrict "a complainant who files vexatious, repetitive, harassing, or frivolous complaints, or otherwise abuses the complaint procedure" from filing further complaints. Judicial-Conduct Rule 10(a).

DISMISSED.