

APR 10 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-90131

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a magistrate judge.

Complainant, a pro se litigant, filed a civil case in district court. The matter was referred to the subject judge.

Complainant alleges that the judge was biased against him due to his race and pro se status. Complainant also alleges that the judge favored the defendants. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. Adverse rulings do not constitute proof of bias. 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).

DISMISSED.