

MAR 18 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 09-90001 and 09-90002

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that the magistrate and district judges assigned to his civil case improperly denied his requests for appointment of counsel. 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); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judges were biased and conspired against him because they erroneously described him as an inmate in their orders after he had been released from prison, "for which they were notified threw [sic] a change of address." But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support his bias or conspiracy allegations. Adverse rulings alone are not proof of bias or conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th

Cir. Jud. Council 2009). Nor is use of the term “inmate.” At most, it shows that the subject judges overlooked complainant’s changed address. It’s not proof of improper motive. 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.