

JUN 28 2010

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90121

ORDER**KOZINSKI**, Chief Judge:

Complainants allege that the district judge assigned to their civil case made various improper substantive and procedural rulings. 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).

Complainants also allege that the judge was biased against them on account of their pro se status, favored the defendants, conspired with defendants' counsel and made false statements. But complainants haven't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. Adverse rulings alone do not constitute proof of bias, favoritism or conspiracy. 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, these charges must be dismissed. See 28

U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainants' allegations against court staff and defense counsel must be dismissed; this misconduct complaint procedure applies only to federal judges.

See Judicial-Conduct Rule 4.

Complainants' request for a hearing on this complaint is denied.

See Judicial-Conduct Rule 11(a)–(c).

DISMISSED.