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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90177

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se debtor, alleges that a bankruptcy judge issued an improper order. This charge must be dismissed because the appellate process, not a misconduct complaint, is the proper vehicle for challenging the merits of a judge's rulings. 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 judge—who is allegedly “infamous though out [sic] the 9th Circuit for pro se bashing”—was biased against him on account of his pro se status and “brow beat” him during a hearing. Complainant further alleges that the judge allowed court staff to destroy documents and refuse to set hearings in an attempt to “Gas Light” him. A review of the hearing transcript shows just the opposite: The judge stated that he had “sympathy” for complainant and that he “hate[s] to see people lose their assets.” Complainant hasn't provided

any objectively verifiable proof to support his other allegations. In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009); see In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009) (stating that “adverse rulings alone do not constitute proof of bias”). These charges must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant’s allegations that court staff “aid[] and abet[] pro se bashing” are dismissed because this misconduct complaint procedure applies only to federal judges. Judicial-Conduct Rule 4. Complainant’s requests related to his bankruptcy petition and adversary proceeding are dismissed because they’re not cognizable misconduct. See Judicial-Conduct Rule 3(h).

DISMISSED.