

FILED

JUL 12 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90186

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that the district judge assigned to his civil case made various improper substantive and procedural rulings with respect to the plethora of motions he filed. 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).

Complainant also alleges that the judge exhibited prejudice and bias against him, and shouldn't have denied his "Affidavit of Bias and Prejudice of District Judge." But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. Indeed, he admits that his only proof of bias consists of the judge's rulings against him. But adverse rulings do not constitute proof of bias or prejudice. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (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).

DISMISSED.