

AUG 30 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90270 and 09-90271

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that two district judges made various improper substantive rulings in two civil cases and violated his rights to a fair trial. These charges must be dismissed because they relate directly to the merits of the judges' 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 law clerks to a district judge and a magistrate judge failed to return complainant's phone calls; complainant claims that this proves the judges were prejudiced against her. Complainant further claims that the district judge was biased against pro se litigants because he must not have reviewed the evidence. None of the matters complainant alleges prove bias. Adverse rulings alone do not constitute proof of bias, and complainant has failed to provide "sufficient evidence to raise an inference that misconduct has occurred." See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). These

charges must be dismissed.

Complainant's request to determine proper jurisdiction and to stay the case is not relief available under the misconduct complaint procedure. See Judicial-Conduct Rule 11(a).

Complainant's allegations against law clerks, state court judges and her former attorney are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.