

NOV 16 2010

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 10-90020

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge made various improper substantive and procedural rulings in his criminal case. 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 was biased against him. He points to a comment made at a hearing, and a statement in one of the judge's orders. But the remarks, when read in context, do not demonstrate bias that would have prevented fair judgment in the case. Since adverse rulings alone do not prove bias, and there is no other evidence of misconduct, the charges must be dismissed. In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); see 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Complainant's implicit request that his case be reassigned is not cognizable under the misconduct complaint procedure. See 28 U.S.C. § 354(a)(2).

DISMISSED.