

OCT 18 2010

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

Nos. 10-90025 and 10-90073

**ORDER****KOZINSKI**, Chief Judge:

Complainant has filed two misconduct complaints alleging that a district judge improperly dismissed his civil case and shouldn't have denied his post-judgment motions. These charges are dismissed because they relate directly to the merits of the 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 further alleges that the judge showed contempt for him and slandered him by finding his case to be "frivolous." But the judge's dismissal order is neither slanderous nor contemptuous. And adverse rulings alone do not prove complainant's charges. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Because complainant hasn't provided any other objectively verifiable proof to support his allegations, there isn't sufficient evidence that misconduct occurred. 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. 2009).

Complainant had previously filed a misconduct complaint alleging that the same judge ruled improperly in a related case and showed bias against him. I dismissed that complaint as merits-related and unfounded. See In re Complaint of Judicial Misconduct, No. 08-90170 (9th Cir. Jud. Council 2009). Complainant's statement that Judicial-Misconduct Rule 11 entitles him to review by a special committee is incorrect. Moreover, a "complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints." Judicial-Conduct Rule 10(a); see In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant is advised that any future misconduct complaints he files that present essentially the same allegations against the district judge will be summarily dismissed.

**DISMISSED.**