

DEC 28 2010

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 10-90048

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly failed to consider evidence in his criminal case. This charge relates 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 further alleges that the judge encouraged the prosecutor's "fabrication of evidence" by "turning a blind eye to evidence establishing [the prosecutor's] falsehoods." This merely restates complainant's disagreement with the judge's rulings, and it is well established that adverse rulings alone are not proof of partiality. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Since there is no other evidence to support the charge, it must be dismissed. In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Because complainant presents no evidence of any other misconduct, the

complaint must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.