

JAN 26 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 10-90069, 10-90070, and
10-90071**ORDER****KOZINSKI**, Chief Judge:

Complainant alleges that a former district judge and three circuit judges made improper rulings in her employment discrimination case. The charges against the former district judge must be dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996). The charges against the circuit judges must be dismissed as relating directly to the merits of their 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's allegation that the circuit judges "did not perform [their] duties . . . when they simply affirmed without comment" are dismissed as wholly unsupported because the judges did give reasons for their ruling. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judges were biased against her as a pro se litigant in an employment discrimination case. But adverse rulings aren't proof of

bias, see In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009), and the academic studies she cites about judicial bias don't support a finding of any misconduct by the subject judges. Complainant hasn't provided any objectively verifiable proof of bias, so these charges must be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009).

DISMISSED.