

JAN 04 2011

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

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
---

No. 10-90084

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

A pro se litigant alleges that a magistrate judge made various improper rulings in her civil case. Charges that relate directly to the merits of the judge's rulings must 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 her. She points to the fact that, in one ruling against her, the judge mentioned a lawsuit she had pursued to summary judgment several years earlier. But the judge cited the lawsuit to support his finding that complainant's counsel could withdraw in the preliminary stages of the pending case without adverse consequences. Nor does the mere fact that the judge ruled against complainant prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009).

Complainant further claims that the judge is biased against pro se litigants generally, but she provides no objectively verifiable proof to support her

allegation. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant makes allegations against her former attorney and opposing counsel, they are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**