

JAN 10 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 10-90086

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge “made sure” his claims challenging the conditions of his confinement were denied. This charge relates directly to the merits of the judge’s rulings and 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 magistrate judge engaged in ex parte communications with defendants to “cover up” crimes against complainant, and allowed them to commit mail fraud. But he provides no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these serious allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Adverse rulings do not prove the bias and malice that complainant alleges. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). These charges must be dismissed because there is no

evidence of any misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.