

JAN 04 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 10-90123

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge made improper rulings in his civil cases. Charges that relate directly to the merits of the judge's ruling 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 provided no proof supporting his allegation that the judge willfully disregarded the law, so that claim must also be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). The record in each case also shows that the judge did rule on the motions complainant claims he ignored.

Complainant further alleges that the judge is biased against him, and has Alzheimer's disease or "some other ailment affecting his judicial composition." But adverse rulings alone are not proof of disability or bias. See In re Complaint of Judicial Misconduct, 626 F.3d 540, 540 (9th Cir. Jud. Council 2010). Because there is no evidence that the judge is disabled or committed misconduct, these

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

DISMISSED.