

MAY 13 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90017

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a magistrate judge improperly refused to recuse himself and committed various other errors in his case. These charges relate 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 Complaint of Judicial Misconduct, 605 F.3d 1060, 1061–62 (9th Cir. Jud. Council 2010).

Complainant also alleges that the magistrate judge bullied him during a hearing, forced him to divulge his strategy to defendants and helped them conceal evidence. But complainant provides no evidence to support these allegations, and an audio recording of the hearing revealed no improper tone or behavior. Because there is no proof of misconduct, complainant's allegations must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant submitted a lengthy supplement, but failed to explain how it is relevant to his allegations. The supplemental materials therefore weren't reviewed. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud.

Council 2011); In re Complaint of Judicial Misconduct, 630 F.3d 968, 969–70 (9th Cir. Jud. Council 2010).

DISMISSED.