

MAY 19 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 11-90018, 11-90019 and
11-90020**ORDER****KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge and two district judges made various improper rulings in four of his civil cases and a habeas petition. These charges relate directly to the merits of the judges' 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 Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judges “continue[] to seek out **THIS** pro se litigant’s legal matters.” But related cases are often assigned to the same judge, and complainant has offered no evidence that the judges were even involved in reassigning his cases, much less that they acted with an improper motive. Cf. Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). Because there is no evidence that misconduct occurred, this claim must be dismissed. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011).

Complainant alleges that the magistrate judge “illegally assumed jurisdiction” over one of his civil cases because he “*NEVER AGREED to allow his Civil Action . . . to be decided by a Magistrate Judge.*” But complainant’s consent wasn’t required to refer the case to the magistrate judge because complainant was entitled to object to the magistrate judge’s findings and recommendations. The recommendations, along with complainant’s objections, would then be reviewed by the district judge. This charge must also be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that one of the district judges may be biased against him because he thinks they might have known each other as children and complainant “would *NEVER* pick” the judge to play with him. But complainant hasn’t offered any proof to support this claim, so this charge must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant’s request for punitive damages is not cognizable under the misconduct complaint procedure, even if misconduct had occurred. See 28 U.S.C. § 354(a)(2).

DISMISSED.