

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

JUL 27 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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Nos. 11-90033, 11-90034,
11-90035 and 11-90040

ORDER

KOZINSKI, Chief Judge:

Complainants allege that the district judge assigned to their civil suit has a conflict of interest. A judge who presides over a case while knowing himself subject to a material conflict of interest, or with the intention of favoring or disfavoring a party on grounds unrelated to the merits, may be committing judicial misconduct. See Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice 146 (2006). To state such a claim, a complainant must provide convincing proof that the judge is aware of a material conflict or is acting with a corrupt motive. Here, the judge confirmed lack of ownership in any company related to the defendant, held two hearings concerning the alleged conflict and stayed the case for two months to give complainants time to substantiate their claim. Complainants presented no such evidence in the underlying case, nor did they provide proof to support their misconduct allegations. Their complaints are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.