

MAY 19 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90039

ORDER**KOZINSKI**, Chief Judge:

A pro se plaintiff alleges that a district judge erred in partially granting the defendant's motion to dismiss and then improperly refused to certify his interlocutory appeal "in order to shield defense counsel . . . from future criminal prosecution." These charges must be dismissed as merits-related. 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 subject judge "conspired with defense counsel to intimidate" complainant and to cover up the defendant's offenses. But complainant has presented no evidence, other than adverse rulings, to support his allegations, so these charges must also be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009).

DISMISSED.