

MAY 19 2011

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

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 11-90050

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge must be mentally ill because he habitually fails to provide explanations for his rulings. He bases these charges on an appellate panel's decision to vacate the district judge's ruling and to reassign the case to another judge. The Judicial Council dismissed similar charges made by complainant in previous complaints because there was no clear and convincing evidence that the judge had willfully disregarded the law. See In re Complaint of Judicial Misconduct, Nos. 07-89000+ (9th Cir. Jud. Council 2008). A petition for review in that matter was denied. See In re Complaint of Judicial Misconduct, C.C.D. 10-01 (Judicial Conference of the United States Committee on Judicial Conduct and Disability, April 12, 2010).

The district judge's ruling upon which complainant bases his current complaint predates the directive of the Judicial Conference of the United States Committee on Judicial Conduct and Disability that any future rulings that failed to

provide reasons could provide clear and convincing evidence of misconduct. See id. at 8. Complainant has presented no reason why the district judge's ruling reversed by this particular appellate decision amounts to misconduct, or should change the previous findings of a special committee, which were adopted by the Judicial Council in its order. Further, complainant does not set forth any facts about the judge's alleged mental incapacity, except that his ruling was reversed by the court of appeals. See In re Complaint of Judicial Misconduct, 626 F.3d 540, 540 (9th Cir. Jud. Council 2010). As we have explained on previous occasions, erroneous rulings are not proof of misconduct. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011).

DISMISSED.