

MAY 26 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALSJUDICIAL COUNCIL  
OF THE NINTH CIRCUITIN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 11-90052

ORDER

**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge treated her in a “demonstrably egregious and hostile manner” because she wasn’t represented by counsel. The only evidence she provides is that the judge referred to her “as a pro se litigant but [did] not refer to defendants as non-pro se Defendants.” But it’s quite common to refer to an unrepresented party as a pro se litigant, while there is no such expression for non-pro se litigants. Complainant also claims the judge treated her unfavorably in rulings, but adverse rulings don’t prove bias. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011). Because complainant offers no other evidence to support her bias claims, these charges must be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge engaged in “criminal activity” by holding her to “conditions of involuntary servitude without her ever being convicted of a crime.” It is unclear what complainant means by this, but it’s clear that she does not claim that the judge literally held her prisoner. Apparently

complainant is referring to the effect of the judge's rulings, but we have often explained that charges relating directly to the merits of a ruling are not the proper subject of a misconduct complaint 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).

The charges against defendants and the county recorder are dismissed because the misconduct complaint procedure only applies to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**