

JUN 28 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90067

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that the magistrate judge who dismissed her civil complaint with leave to amend committed fraud by misinstructing her on pleading requirements. Complainant alleges that the judge's instruction to clarify her malpractice claims constitutes fraud and is a "similar situation to a doctor telling a suicidal patient with a headache, 'take two aspirin, then jump off a cliff.'" This allegation is wholly unfounded. There's no evidence that the judge's advice was wrong nor that it was motivated by "egregious hostility." To the contrary, the judge was respectful, and gave clear and precise instructions as to the complaint's pleading deficiencies.

Complainant also alleges "that the Judge is in league with the Defendants," but provides no proof of bias or hostility. Adverse rulings don't prove a conspiracy, and complainant offers no other evidence to support her claims.

Therefore, all these charges must be dismissed as unfounded. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); see also 28 U.S.C.

§ 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the magistrate judge made improper rulings, including denying her request that the court correct a statement on a privately-operated website regarding her request for a jury trial. These charges relate directly to the merits of the judge's rulings and must also 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).

DISMISSED.