

AUG 12 2011

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 11-90086 and 11-90087

**ORDER**

**KOZINSKI**, Chief Judge:

Complainant, a pro se plaintiff, alleges that a district judge and magistrate judge have demonstrated bias against him in his pending civil case. He claims that the judges instructed him “to strictly follow all the rules of court and procedure” but didn’t hold his opposing counsel to the same standard. Complainant alleges that the magistrate judge allowed defense counsel to eat and drink in the courtroom, but neither points to a rule prohibiting this nor alleges that the judge denied him the same privilege.

Complainant’s remaining evidence of disparate treatment consists of adverse rulings, which cannot alone prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Any disagreement complainant has with the judges’ rulings is merits-related and not cognizable in misconduct proceedings. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Complaint of Judicial Misconduct, 583 F.3d at 598.

**DISMISSED.**