

DEC 01 2011

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 11-90109, 11-90110,
11-90111 and 11-90112

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge and three circuit judges made improper rulings in his civil case, ignoring clearly established precedent. These charges relate directly to the merits of the judges' rulings and must 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).

Complainant further alleges that the judges were biased against pro se litigants and “rigged” the outcome of his case to “benefit some specially favored Defendant party.” The judges' adverse rulings do not prove bias, and the claim that his underlying case was rigged because it was assigned to judges appointed by presidents of a certain political party is unfounded. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that two of the named circuit judges are too

“elderly” to decide cases. But neither age nor adverse rulings serve as proof of a mental disability. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). These charges must therefore be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.