

DEC 22 2011

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

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
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No. 11-90136

**ORDER****KOZINSKI**, Chief Judge:

Complainant, a pro se litigant, claims that a bankruptcy judge erred by dismissing her adversary proceeding without giving her an opportunity to respond to the defendant's motion to dismiss. Complainant's key allegation—that she “never even received the request for dismissal until June 7”—conflicts with her admission that she “received the Debtor's Motion to Dismiss” on “May 16.” In any event, this charge relates directly to the merits of the judge's rulings, so “appellate review, not the procedures for judicial misconduct, [is] the proper remedy.” In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also claims that the bankruptcy judge “backdated paperwork,” but she has produced no evidence to support this charge. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**