

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. 11-90141, 11-90142,
11-90143 and 11-90144

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge improperly dismissed his civil case and that three circuit judges improperly affirmed without reviewing all of the evidence presented or addressing all the issues raised in his appeal. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the district judge demonstrated bias by saying to him, in front of the courtroom deputy clerk, that "he would never make any ruling in [complainant's] favor no matter what the evidence proves and that [complainant] should just give up." Upon inquiry, the deputy clerk denied that the judge made this statement or anything of the kind. And adverse rulings aren't proof of bias or hostility. Because complainant has provided no other evidence to support his allegation of bias, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); see also 28

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

DISMISSED.