

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

NOV 16 2012

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

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 11-90165

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge improperly dismissed two cases due to racial bias. He further alleges that the judge took bribes from and conspired with two defense attorneys in a scheme to have complainant's cases assigned to him so that he could dismiss them. Complainant provides no proof of these outlandish charges. Inquiries with court staff confirmed that both cases were randomly assigned. These claims must be dismissed as wholly unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge engaged in ex parte communications with opposing counsel in one of the cases. Complainant says opposing counsel knew the case would be dismissed before an order issued. To support this claim, complainant points to what he terms a "bizarre" statement from opposing counsel intimating that the case would soon be dismissed. But the statement that complainant claims the lawyer made does not suggest anything more than

confidence that he would soon prevail. Without more, this claim is too speculative to “raise an inference that misconduct has occurred.” 28 U.S.C.

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

DISMISSED.