

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MAY 25 2012

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90166

ORDER**KOZINSKI**, Chief Judge:

A pro se complainant alleges that a magistrate judge issued various improper rulings in his civil case. These charges relate directly to the merits of the judge's rulings and must therefore 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 also alleges that the judge displayed bias and hostility toward him. While the judge expressed frustration that complainant caused an "extraordinary delay of proceedings" by traveling abroad shortly after filing his complaint, this remark was not improper. Further, adverse rulings aren't proof of bias or hostility, and complainant hasn't offered any other evidence of misconduct. This charge must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009).

DISMISSED.