

APR 05 2012

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. 11-90167

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

Complainant, a pro se prisoner, alleges that a district judge showed bias during his criminal trial by “coaching” a government witness and by ruling against “94% of the defense[] motions.” The trial transcript shows that the judge did not “coach” the witness; he properly instructed the witness not to agree with counsel’s statements if he couldn’t remember whether they were correct. Adverse rulings alone are not proof of bias, and complainant offers no other evidence to support his bias claim, so this charge must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district judge created a “conflict of interest” by refusing to let his defense counsel withdraw. This charge relates directly to the merits of the judge’s ruling and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

**DISMISSED.**