

JUN 25 2012

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90185

ORDER**KOZINSKI**, Chief Judge:

A disbarred attorney alleges that a bankruptcy judge favored defendants and provided them with legal advice during a pre-trial conference. The conference transcript shows that the judge did not provide advice that would favor one side or the other, but rather identified purely legal issues that would be appropriate for summary judgment. Because complainant offers no other evidence to support his bias claim, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge showed bias by making a critical remark about him during an evidentiary hearing. The judge did not disparage complainant, but rather used a term of art to characterize complainant's legal defense. Because the judge's comment did not prejudice the effective and expeditious administration of the business of the courts, this claim must be

dismissed. See Judicial-Conduct Rule 11(c)(1)(A).

Complainant also alleges that the judge made erroneous rulings, but these allegations relate directly to the merits of the judge's decisions and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

DISMISSED.