

MAY 02 2012

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90187

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge improperly refused to grant his request for court costs at a settlement conference and made other improper rulings in complainant’s earlier 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).

Complainant further alleges that the magistrate judge demonstrated bias toward him on the basis of his visual impairment by making comments at the settlement conference “in a very smug manner like he was glad to cheat a blind man out of a few bucks.” But complainant “hasn’t provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support th[is] allegation[], and adverse rulings alone do not constitute proof of bias.” In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.