

JUL 24 2012

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 12-90057

**ORDER**

**KOZINSKI**, Chief Judge:

A pro se debtor alleges that a bankruptcy judge’s order lifting the automatic stay in her bankruptcy proceeding was improper for a number of reasons, including that it contained factual errors and the judge relied on hearsay. These charges relate directly to the merits of the judge’s ruling 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).

Complainant further alleges that the judge improperly engaged in an ex parte communication by signing an order prepared by the creditor’s counsel. It’s not improper for a judge to sign a prepared order. Because complainant has not alleged behavior that is “prejudicial to the effective and expeditious administration of the business of the courts,” this charge must be dismissed. 28 U.S.C. § 351(a); Judicial-Conduct Rule 11(c)(1)(A).

**DISMISSED.**