

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 12-90129

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a bankruptcy judge was biased against him based on race. Complainant believes that the judge demonstrated this bias in adverse rulings and during a hearing. But the transcript shows that the judge was respectful and gave clear and precise reasons for his rulings. Further, adverse rulings don't prove hostility, and complainant offers no other evidence to support his claims. Therefore, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Complainant also requests “new pretrial proceedings with a different judge,” but this remedy is not available in misconduct proceedings, as complainant acknowledged in writing on his complaint form.

Complainant's request that I recuse myself from considering this complaint is denied. Under the Judicial Conduct and Disability Act, the chief judge must

review judicial misconduct complaints. 28 U.S.C. § 352; Judicial-Conduct Rule

11(a). Nothing in this matter warrants otherwise. See Judicial-Conduct Rule 25.

DISMISSED.