

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

OCT 28 2013

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 12-90163

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge improperly allowed confidential medical information to be posted on a publically available criminal case docket. Defendant's counsel never moved to have the documents filed under seal. There's no evidence that the district judge had anything to do with the posting of the documents; this is a ministerial function performed by the clerk. Absent any other evidence of misconduct, this charge must be dismissed. See *In re Complaint of Judicial Misconduct*, 715 F.3d 747, 749 (9th Cir. 2013) (citing 28 U.S.C. § 352(b)(1)(A)(iii)); Judicial-Conduct Rule 4; Judicial-Conduct Rule 11(c)(1)(D).

Complainant expresses concern about the judge's impartiality. Adverse rulings aren't proof of bias, and complainant hasn't offered any other evidence of misconduct, so this charge must also 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).

DISMISSED.