

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MAY 27 2014

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 13-90035 and 13-90036

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that two district judges made erroneous rulings in her cases. These allegations relate directly to the merits of the judges' rulings 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 claims that the judges were biased and conspired to deny her a fair trial. Adverse rulings are not proof of bias or conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Further, complainant provides no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support her allegations of bias or conspiracy. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Without such evidence, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also claims that one of the judges is disabled due to an

“ignorance” of the law. But adverse rulings are not proof of a mental disability.

See In re Complaint of Judicial Misconduct, 583 F.3d at 598. These charges must therefore be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant’s allegations against court staff are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant’s request for her cases to be assigned to new judges and for appointment of an attorney are not remedies available under the misconduct complaint procedure. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a).

Complainant made similar allegations in two complaints previously filed against different judges. These charges were dismissed as merits-related and unsupported. See In re Complaint of Judicial Misconduct, No. 12-90077 (9th Cir. Jud. Council 2012) and In re Complaint of Judicial Misconduct, No. 12-90099 (9th Cir. Jud. Council 2013). Complainant is cautioned that if she files “repetitive, harassing, or frivolous complaints” or “otherwise abuse[s] the complaint procedure,” she “may be restricted from filing further complaints.” Judicial-Conduct Rule 10(a).

DISMISSED.