

SEP 26 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 13-90037 and 13-90038

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that two district judges made various substantive and procedural errors in her civil cases. These allegations relate directly to the merits of the judges' rulings and must therefore be dismissed. See Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see also 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant further alleges that one of the district judges conspired with the defendants in complainant's civil cases to commit fraud. But adverse or incorrect rulings aren't evidence of conspiracy. Because complainant offers no other evidence to support her claim, this charge must be dismissed. See Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); see also 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant also alleges that certain defendants in her civil cases are "contributing to [the judge's] retirement." Complainant offers no evidence to

support this allegation besides a link to a state public employees' retirement system's investment report. Complainant doesn't explain how this report supports her allegation of judicial misconduct. This allegation is therefore dismissed as unsupported and frivolous. See Judicial-Conduct Rule 11(c)(1)(C); Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(iii).

Finally, complainant alleges that one of the judges should have recused himself because complainant named the judge as a defendant in her civil suit. We have previously dismissed this exact same allegation made by complainant because “[a] litigant is not entitled to rid himself of the judge assigned to his case by adding him as a defendant.” In re Complaint of Judicial Misconduct, No. 12-90079 (9th Cir. Jud. Council Sept. 27, 2012). Complainant is cautioned that if she continues to file “repetitive, harassing or frivolous complaints,” or otherwise “abuse[s] the complaint procedure,” she “may be restricted from filing further complaints.” See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.