

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**FILED**

AUG 27 2015

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

<p><b>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</b></p>
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Nos. 13-90058 and 13-90059

**ORDER**

**THOMAS**, Chief Judge:

Complainant alleges that a district judge and a magistrate judge refused to accommodate her medical disability. Complainant raised the same claim on appeal, and the Court of Appeals rejected her contention that the judges denied her reasonable accommodations or that the district court otherwise mismanaged her case. This allegation is dismissed because there is no evidence that misconduct occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant alleges that the judges made improper rulings such as imposing sanctions and denying her motion to reconstruct the record, and that they generally mishandled her case. Any disagreement a complainant has with the judges' rulings or case management is merits-related and not cognizable in misconduct proceedings. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant claims that the magistrate judge misled her into traveling to appear at a hearing, then cancelled the hearing without timely notifying her.

Complainant filed a motion to disqualify the magistrate judge on this same basis. In the order denying the motion to disqualify, it was noted that the settlement conference was cancelled based on complainant's declaration concerning her disability. Because complainant was pro se and not eligible for the court's CM/ECF system, the order was mailed, and seemingly was not received by complainant before she boarded her flight to the district court. Complainant raised related issues on appeal but the Court of Appeals determined that the district court did not abuse its discretion by denying complainant's motions seeking recusal because she failed to establish that either judge's impartiality might be reasonably questioned. Because complainant presents no evidence to support these allegations, they must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant further alleges that the district judge did not rule in her favor to retaliate against her for filing a motion to disqualify the magistrate judge. However, adverse rulings do not prove retaliation. Because complainant offers no other evidence to support her claims, these charges must be dismissed. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant claims that the magistrate judge threatened her with monetary

sanctions if she refused to settle her case. Because complainant provides no support for this allegation, it must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**