

FILED

JAN 17 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 13-90067, 13-90068 and
13-90069

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge and two magistrate judges made improper rulings in his habeas and civil rights 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 also alleges that the magistrate judge “has been acting as an ‘conflict of interest’” in his case, but provides no evidence. This claim must thus be dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judges conspired with prison officials to deny him access to justice. Adverse rulings are not proof of 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 allegations of conspiracy. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Without other evidence, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's request for a change of venue is not cognizable under this misconduct complaint procedure. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009); Judicial-Conduct Rule 3(h).

DISMISSED.