

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

JUL 22 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 13-90140

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge should have recused himself from complainant’s habeas case after complainant filed a mandamus petition against him. But a “judge is not disqualified by a litigant’s suit or threatened suit against him.” United States v. Studley, 783 F.2d 934, 939–40 (9th Cir. 1986); see also Comm. on Codes of Conduct, Advisory Opinion No. 103 (2014) (a civil misconduct complaint against a judge, without more, falls short of grounds for recusal). These charges must therefore be dismissed because there is no evidence that any misconduct occurred. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

DISMISSED.