

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

NOV 05 2014

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90159

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge did not afford him a full and fair opportunity to be heard during a telephonic hearing and did not treat him well. But the audio tape of the telephonic hearing discloses that the judge allowed complainant to speak on certain matters and remained professional at all times. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the subject judge harbored bias against pro se litigants. But the hearing transcript, which is the only evidence the complainant points to, reveals no indication of bias, so this allegation lacks the proof necessary to state a claim of misconduct. See Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). This claim is therefore dismissed.

DISMISSED.