

FILED

OCT 14 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90165

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a magistrate judge was hostile during a conference and told her that her case was “ill advised,” among other comments. The conference was held in chambers and was not recorded. Assuming the judge made such comments, none would prejudice “the effective and expeditious administration of the business of the courts,” so this claim is dismissed. See Judicial-Conduct Rule 11(c)(1)(A).

Complainant further alleges that the judge favored the law enforcement defendants, personally disliked her and her co-plaintiff, and attempted to “sabotage” her case. To support these allegations, complainant provides several emails sent by her attorney that track complainant’s allegations without, however, providing any facts to support them. I conducted a limited inquiry by contacting complainant’s counsel and requesting factual support of complainant’s claims.

Complainant's counsel stated that he had no such factual support and opined that none of the judge's actions rose to the level of judicial misconduct. Further, counsel reported that the case settled in a satisfactory fashion. Finally, upon review of the record, the judge issued no orders that appear to demonstrate any bias. These charges must be dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.