

FILED

SEP 22 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 13-90167 and 13-90189

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge and a magistrate judge erred in allowing her civil case to be removed to federal court. 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 both judges allowed removal as a personal favor to defendants and that the district judge is biased against pro se litigants. But adverse rulings alone don't constitute proof of bias or misconduct, and complainant hasn't provided any other evidence to support these allegations, so these charges must also be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant claims that defendants and defense counsel engaged in misconduct. But the judicial misconduct complaint procedure applies only to federal judges, so these allegations are dismissed. See Judicial-Conduct Rule 4.

Last, complainant seeks injunctive relief, declaratory relief and costs. But, as complainant has acknowledged, “even if [she] successfully prove[s] that the judge engaged in misconduct . . ., this procedure cannot change the outcome of the underlying case.” The misconduct complaint process can provide no relief that affects the rights of parties to a case.

DISMISSED.