

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 19 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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Nos. 13-90168, 13-90169 and
13-90170

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, filed three judicial misconduct complaints against two district judges and a magistrate judge.

Complainant's allegation that one of the district judges "refused to reply" to certain filings made by complainant in his civil case must be dismissed because it relates directly to the merits of the judge's decisions regarding how to address complainant's filings. See Judicial-Conduct Rule 3(h)(3)(A); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see also 28 U.S.C. § 352(b)(1)(A)(ii).

Complainant also alleges that one of the district judges "failed or refused to oversee, inspect, examine or supervise Judges that were under his jurisdiction," and that the judges violated complainant's civil rights. Because complainant's sworn statements of facts do not "detail[] the specific facts on which the claim of misconduct or disability is based," Judicial-Conduct Rule 6(b), these allegations

are subject to review under Rule 5, which requires the chief judge to identify a misconduct complaint only if there is “clear and convincing” evidence of misconduct. See Judicial-Conduct Rule 5(a); In re Complaint of Judicial Misconduct, 644 F.3d 844, 845 (9th Cir. Jud. Council 2011). Because there is no evidence, much less clear and convincing evidence, that misconduct occurred, the complaint must be dismissed.

Finally, complainant’s allegation that “these cases are politically motivated” must be dismissed as unsupported because adverse rulings alone aren’t evidence of bias or political motivation, and complainant offers no other evidence in support of this allegation. See Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii).

DISMISSED.