

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 14 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
--

Nos. 13-90179, 13-90180,
14-90067 and 14-90068

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge, two district judges and two circuit judges made erroneous rulings in his civil cases. Because one of the district judges has retired, the allegations against him are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996). With respect to the remaining judges, the charges against them relate directly to the merits of their rulings and are therefore 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 alleges that the magistrate judge treated him in an “egregious and hostile manner” and discriminated against him based on gender, age and disability, among “other legally protected attribute[s].” But adverse rulings alone cannot prove bias or discrimination, and because complainant offers no other evidence, these charges must 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. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the magistrate judge had “improper discussions with the other party and/or counsel in the case.” Complainant claims that the district judge “simply ‘rubber stamped’” the magistrate judge’s rulings and that the two circuit judges knew that the district judge had “violated constitutional provisions.” But complainant fails to provide any evidence of misconduct, and thus these charges are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii);

In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.