

FILED

SEP 23 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90181

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge improperly relied on a police report despite knowing it was false, and that the judge should have granted him an evidentiary hearing and disciplined those involved with the allegedly false police report. These allegations relate directly to the merits of the judge’s 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 the judge was biased against him and sought to “appease his fellow judicial worker’s [sic].” But adverse rulings alone cannot prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Because complainant offers no other evidence, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges misconduct by the district attorney and

police officers, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant's request that his case be "heard by a judge who will uphold the law and Constitution or afford the chance of a new trial" is not relief available in the misconduct process, as complainant himself acknowledged in his complaint: "I understand that even if I successfully prove that a judge engaged in misconduct or [is] disabled, this procedure cannot change the outcome of the underlying case."

DISMISSED.