

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 18 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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Nos. 13-90182 and 13-90183

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge and a magistrate judge violated his statutory and constitutional rights by making incorrect rulings in his habeas and civil rights cases. Complainant also alleges that the magistrate judge improperly “rejected” one of complainant’s motions and improperly stayed complainant’s case pending the resolution of his misconduct complaint against the judge. These allegations call into question the correctness of the judges’ rulings, and must be dismissed because they relate directly to the merits of those rulings. 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 further alleges that the judges were biased against him. However, adverse rulings aren’t evidence of bias, see In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011), and the fact that complainant “has repeatedly criticized” or “filed a complaint” against a judge isn’t

evidence that the judge harbored any reciprocal bias or prejudice against complainant. Therefore, complainant's allegations of bias must be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D).

Complainant's request that this case be reassigned to a different judge is not a form of relief available under the misconduct complaint procedure. See Judicial-Conduct Rule 11(a); 28 U.S.C. § 354(a)(2).

DISMISSED.