

FILED

OCT 06 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90198

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge erred by dismissing his complaint and denying his “motion for Federal Grand jury.” These allegations relate directly to the merits of the judge’s 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 further alleges that the judge was biased against him and conspired with defendants and defense counsel to dismiss his case. But adverse rulings alone are not proof of bias or conspiracy, and complainant provides no other objectively verifiable evidence to support these allegations, so they must also be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C.

§ 352(b)(1)(A)(iii).

Complainant's allegations that defendants and defense counsel engaged in misconduct are dismissed because the judicial misconduct procedure applies only to federal judges. See Judicial-Conduct Rule 4.

While complainant has certified in his complaint that “even if [he] successfully prove[s] that the judge engaged in misconduct or is disabled, this procedure cannot change the outcome of [his] underlying case,” he nevertheless requests reassignment of his case to a different judge, an order clearing the title to his property and damages. But, as complainant has acknowledged, these are not remedies available under the misconduct complaint procedure. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a).

DISMISSED.