

FILED

DEC 2 2014

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90030

ORDER

THOMAS, Chief Judge:

Complainants allege that a magistrate judge improperly held an ex parte hearing without giving them requisite notice in their civil case. Because complainants present no evidence to support these allegations, they must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainants further allege that the judge wrongly denied their motion to refile. Any disagreement a complainant has with a judge's rulings is merits-related and not cognizable in misconduct proceedings. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainants' request that they be allowed to refile their case is not a form of relief available under the misconduct complaint procedure. See 28 U.S.C.

§ 354(a)(2); Judicial-Conduct Rule 11(a).

DISMISSED.