

FILED

FEB 19 2015

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

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

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 14-90055

ORDER

THOMAS, Chief Judge:

Complainants, a pro se prisoner and a paralegal who assisted with his trial, allege that a district judge made various improper rulings in a civil rights case, including his decision not to recuse. This allegation relates 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); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); Judicial-Conduct Rule 11(c)(1)(B).

Complainants also alleges that the judge demonstrated bias against them; however, complainants provides no objectively verifiable proof to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Adverse rulings alone do not prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). These charges must be

dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainants further allege that the district judge engaged in ex parte communications with defendants about allegedly inappropriate correspondence that complainants exchanged. Because complainants present no evidence to support these allegations, they must be dismissed. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

One of the complainants alleges that the judge made comments to disparage or destroy her character, such as that she had “crossed the line,” and “made a circus out of the proceedings.” Complainants do not provide any evidence about where or when these comments were made, but even assuming that the allegation is true, neither comment prejudices “the effective and expeditious administration of the business of the courts” so this claim is dismissed. See Judicial-Conduct Rule 11(c)(1)(A).

DISMISSED.