

FILED

FEB 17 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 14-90056 and 14-90057

ORDER

THOMAS, Chief Judge:

Complainant alleges that two district judges conspired to “engineer” or influence the outcome of his civil case. He alleges that the first judge improperly recused herself because she may not have agreed with complainant’s political views. Complainant further questions whether the case was “randomly” reassigned to the second named judge.

An individual “has no right to any particular procedure for the selection of the judge” and is only “entitled to have that decision made in a manner free from bias or the desire to influence the outcome of the proceedings.” Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). Complainant has presented no evidence that the assignment of his case departed in any manner from the district’s normal assignment process. Further, an allegation that a judge erred in recusing or failing to recuse are merits-related and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064

(9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(B).

Complainant alleges that the second judge made various improper rulings in at least four of his civil cases. 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).

DISMISSED.