

**FILED**

DEC 18 2014

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 14-90073

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a prisoner, alleges that a district judge made improper rulings in his habeas case. Any disagreement complainant has with the judge's rulings is merits-related and not cognizable in misconduct proceedings. 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 also alleges that the district judge should have recused himself from complainant's civil case due to a conflict of interest. An allegation that a judge erred in failing to recuse is generally 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). An allegation that a judge failed to recuse for an improper purpose may present a viable claim of judicial misconduct. See In re Complaint of Judicial Misconduct, 605 F.3d 1060, 1062 (9th Cir. 2010). However, complainant has provided no

proof that the judge was aware of any conflict or was acting from an improper motive. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Thus, this charge is dismissed.

**DISMISSED.**