

FILED

FEB 19 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90083

ORDER

THOMAS, Chief Judge:

Complainant alleges that a bankruptcy judge was biased against her based on her race and financial condition. She claims that the judge stated during a hearing that the court would no longer accept documents if complainant failed to provide a phone number, but complainant has no phone. The judge apparently threatened terminating sanctions if complainant would not talk to opposing counsel. Complainant further claims that the judge made “jokes” with opposing counsel, but does not give any examples.

Complainant did not provide a case number or a hearing transcript, but even assuming that these remarks were made, it is reasonable for the court to have a policy that a party can be contacted. Complainant never states that the court required that she purchase a personal phone line, but more likely asked her to provide a phone number, which could belong to a relative, friend or neighbor, where she could be located if the court or opposing counsel needed to contact her.

Moreover, sanctions are one tool a court may use in its discretion if a party fails to respond, confer, or otherwise prosecute a case. Because complainant offers no evidence to support her bias claims, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.