

**FILED**

AUG 27 2015

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 14-90119 and 15-90044

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge and a magistrate judge improperly allowed the removal of her civil case as a personal favor to the defendants. Complainant raised these allegations in two previous complaints, and the former chief judge dismissed those charges. See In re Complaint of Judicial Misconduct, Nos. 13-90167 and 13-90189 (9th Cir. Jud. Council 2014).

Therefore, no further action is necessary. See 28 U.S.C. § 352(b)(2); Judicial-Conduct Rule 11(c)(1)(C); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009).

Complainant newly claims that the magistrate judge was rude during a pretrial conference. There is no audio recording or transcript from the short conference to review. Complainant submitted an affidavit from her daughter, who attended the conference and attests that the judge became “very angry” when her mother refused to sign a stipulation to remand her case. It appears from the court

record that complainant had contested the federal court's jurisdiction and argued that the removal order was defective, but when the government offered to stipulate to remand to state court, complainant objected and proceeded to trial in federal court. The daughter also qualified that, during the conference, the judge "repeated himself that this conference was just a courteous notification to Plaintiff that he was going to remand the case upon stipulation and did not need Plaintiff's signature." Complainant fails to allege any demonstrably egregious or hostile conduct by the district judge that would raise an inference that misconduct occurred, and accordingly this charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the district judge made various improper rulings, including denying complainant's motion to continue, providing incorrect jury instructions, and rejecting complainant's trial exhibits. 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).

Complainant claims that the district judge made biased rulings in the underlying proceedings. However, adverse rulings alone do not prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council

2009). Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Any further misconduct complaints presenting fundamentally the same allegations will be summarily dismissed. Complainant is cautioned that a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.” Judicial-Conduct Rule 10(a).

**DISMISSED.**