

FILED

AUG 24 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 14-90120 and 14-90155

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge was biased against him based on his pro se status, race, and disability, but adverse rulings alone are not proof of bias, and complainant provides no other objectively verifiable evidence to support such allegations. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges the district judge erroneously denied his motion for counsel, and should not have held him to the same standards as a represented party. These allegations must be dismissed because they relate directly to the merits of the judge's rulings. 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). In any event, pro se litigants are "subject to the same rules of procedure and evidence as defendants who are represented by counsel." United States v. Merrill, 746 F.2d 458, 465 (9th Cir. 1984).

Complainant's request that his right to appeal his case be reinstated is not a form of relief available under the misconduct complaint procedure. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a).

Complainant further alleges that a magistrate judge is biased against him based on his race and pro se litigant status. Complainant alleges that the magistrate judge has conspired with defendants to deprive complainant of his rights and has committed judicial fraud. Adverse rulings cannot alone prove that bias, conspiracy or judicial fraud has taken place. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009). Because complainant offers no other evidence to support his claims, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.