

FILED

JUN 25 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90127

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge made improper rulings and should have recused from complainant's habeas case. These charges relate directly to the merits of the judge's rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see also Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the judge favored the prosecution in his criminal case, had malice towards him, and conspired with another judge to rule against complainant. Adverse rulings are not proof of bias or conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009). Complainant has provided no objectively verifiable proof in support of these allegations and the charges must therefore be dismissed. See In re Complaint of

Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009).

Complainant asks that his case be reopened and assigned to a different judge. However, these forms of relief are not available through the misconduct complaint procedure. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a).

DISMISSED.