

FILED

MAY 21 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90142

ORDER

THOMAS, Chief Judge:

Complainant alleges that a magistrate judge has delayed his underlying civil case by granting continuances to the opposing party. Complainant offers no evidence that the alleged delay is based on improper motive, or that the judge has habitually delayed ruling in a significant number of unrelated cases, and accordingly this charge must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009).

Complainant also alleges that the judge should have denied his attorneys' motions to withdraw, and should have granted complainant's motion to appoint counsel and various other motions. These allegations relate directly to the merits of the judge's rulings and must 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).

Next, complainant claims that the judge is biased in favor of corporations, including the defendant in the underlying case. Adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that when he tried to discuss “feedback” he received on his case from attorneys who declined to represent him, the judge was rude and told complainant that he “didn’t want to hear any of it.” Even assuming this allegation is true, complainant fails to show that the judge treated him in a “demonstrably egregious and hostile manner,” or otherwise engaged in misconduct. See Judicial-Conduct Rules 3(h)(1)(D), 11(c)(1)(A); see also Comm. on Codes of Conduct, Advisory Opinion No. 66 (2009) (“Opinions formed by a judge on the basis of facts introduced or events occurring in the course of current or prior proceedings ordinarily do not constitute a basis to show bias ... [E]xpressions of impatience, dissatisfaction, annoyance and even anger directed to an attorney or a party should not be confused with judicial bias”).

Complainant claims that the judge was aware of but failed to report attorney misconduct in another matter. Complainant presents no evidence of attorney

misconduct, or that the subject judge was aware of such activity, and this claim must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that “there is the likelihood” of bribery or corruption involved in the underlying case. Complainant offers no objectively verifiable evidence to support this vague allegation, which must be dismissed as unfounded and too speculative to raise an inference that misconduct has occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 591 F.3d 638, 646 (U.S. Jud. Conf. 2009) (“the complaint must be more than a suggestion to a Chief Judge that, if he opens an investigation and the investigating body looks hard enough in a particular direction, he might uncover misconduct”); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009) (“vague accusations and convoluted demands don’t satisfy complainant’s obligation to provide objective evidence of misconduct”).

DISMISSED.