

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

SEP 24 2015

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
--

No. 14-90154

ORDER

THOMAS, Chief Judge:

Complainant alleges that the district judge who presided over his criminal case should not have accepted his plea agreement and improperly sentenced him. Any disagreement complainant has with the judge’s rulings is merits-related and not cognizable in misconduct proceedings. 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 alleges that the judge ignored gross misconduct by the prosecutor and allowed the FBI to entrap him. He further claims that the judge “threw away evidence” and intimidated a pretrial officer to falsify information. Because complainant offers no objectively verifiable proof of misconduct, these charges are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges misconduct by the United States Attorney’s Office, the FBI, or the Department of Justice, these allegations are

dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.