

FILED

MAY 19 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90179

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge conspired to rule against him in a civil case in order to secure complainant's criminal conviction in another district. Complainant further alleges that the judge conspired to violate his rights against unlawful arrest and self-incrimination and is racially biased. Adverse rulings alone are not evidence of conspiracy or bias, and because complainant offers no objectively verifiable proof to support his allegations, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district court lacked subject matter jurisdiction over the underlying civil case. This charge relates 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 alleges that the judge had improper ex parte communications with other judges, a federal agency, the United States Attorney's Office, and "other officers of the court." Complainant offers no proof of these ex parte communications, nor does he specify when they occurred or what was discussed. Without more, this claim is too speculative to "raise an inference that misconduct has occurred." See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(d)(1)(D).

Finally, complainant alleges that the judge allowed a federal agency to function as the "alter-ego and agent" of the United States Attorney's Office, and that the judge is guilty of racketeering, extortion, and obstruction of justice. These allegations are frivolous and unsupported by evidence, and must be dismissed. See Judicial-Conduct Rules 11(c)(1)(C), (D).

DISMISSED.