

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

MAY 22 2015

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 14-90185

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge did not “respect the law” or the Constitution in his employment discrimination case. The subject judge dismissed complainant’s case as untimely, and the appellate court affirmed. Complainant may not challenge the merits of a judge’s decision through the misconduct complaint procedure. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant alleges that the judge displayed partiality. 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 seems to allege that the judge diminished public confidence in the judiciary by comments made during her Senate confirmation hearings. These

allegations concern the judge's actions prior to becoming a federal judge and must therefore be dismissed. See 28 U.S.C. § 351(a) and (d)(1); Judicial-Conduct Rules 4 and 11(c)(1)(G); In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009).

Complainant's requests that I disqualify myself and transfer this misconduct complaint to another circuit's judicial council for consideration are denied. Under the Judicial Conduct and Disability Act, the chief judge must review judicial misconduct complaints. 28 U.S.C. § 352; Judicial-Conduct Rule 11(a). Nothing in this matter warrants otherwise. See Judicial-Conduct Rule 25.

DISMISSED.