

FILED

AUG 13 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 15-90016 and 15-90017

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge was improperly assigned to his underlying civil case. Our circuit has held that an individual “has no right to any particular procedure for the selection of [a] judge” and is only “entitled to have that decision made in a manner free from bias or the desire to influence the outcome of the proceedings.” Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). Complainant offers no evidence that the underlying case was assigned with an improper motive or purpose, or that the subject judge was even involved in the case assignment. Accordingly, this charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant alleges that another district judge improperly dismissed his claims and improperly revoked his in forma pauperis status. These claims 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. 1982); Judicial-Conduct Rule 11(c)(1)(B).

Finally, complainant alleges that this same judge made “vindictive” and “sarcastic” remarks in the order denying in forma pauperis status. However, a review of the order reveals no hostile language and belies complainant's allegation, which is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.