

**FILED**

DEC 21 2015

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 15-90148

**ORDER**

**THOMAS**, Chief Judge:

Complainant alleges that a district judge improperly consolidated and presided over two separate related proceedings, improperly granted a motion to dismiss, and made other improper rulings in complainant’s civil case. 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).

Complainant also alleges that the judge improperly opined that complainant’s former attorney had done a “good job.” Such comments do not amount to misconduct, and this charge is dismissed for failure to allege conduct prejudicial to the effective and expeditious administration of the business of the courts. 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); In re Complaint of Judicial

Misconduct, 647 F.3d 1181, 1182 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(A).

Finally, complainant alleges that the judge showed “open hostility” toward complainant. However, complainant fails to identify any rude or abusive statements and offers no evidence showing that the judge treated him in an egregiously hostile manner. Accordingly, this allegation is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**