

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. 15-90163

ORDER

THOMAS, Chief Judge:

A pro se prisoner alleges that a district judge made incorrect rulings in his criminal case, including denying complainant's objections with regard to jurisdiction and venue. Any disagreement complainant has with the judge's rulings is merits related and not cognizable in a misconduct proceeding. 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's rulings show a "pattern of malice" and claims that the judge conspired with the prosecution. Because adverse rulings are not evidence of bias or conspiracy, see In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009), and complainant offers no objectively verifiable proof in support of his allegations, they must be dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that during a hearing, the judge had a malicious leer, arrogant body language, and showed a “smug satisfaction” that he was above the law. A review of the transcript demonstrated that the judge was professional, polite and patient throughout the hearing. Because there is no evidence that the judge treated complainant in a demonstrably egregious or hostile manner, this charge 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 Rules 3(h)(1)(D), 11(c)(1)(D).

DISMISSED.