

DEC 21 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 15-90168 and 16-90015

ORDER**GRABER**, Circuit Judge¹:

Complainant, a pro se litigant, alleges that a district judge improperly supervised a magistrate judge and should not have allowed the magistrate judge to preside over his case. The docket shows that the complainant consented to the magistrate judge's jurisdiction. To the extent that complainant disagreed with the subject judge's refusal to review the magistrate judge's orders, or to vacate the assignment to the magistrate judge, these charges relate directly to the merits of the judge's rulings and must therefore 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 further alleges that the district judge was biased and conspired against him. Adverse rulings are not proof of bias or conspiracy. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009).

¹ This complaint was assigned to Circuit Judge Susan P. Graber pursuant to 28 U.S.C. § 351(c).

Because complainant offers no other evidence to support his claims, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that a circuit judge improperly handled his previous misconduct complaint against the magistrate judge. Challenges to the correctness of an order by the chief judge, or a judge acting in that capacity, dismissing a misconduct complaint are also properly dismissed as merits-related. See Judicial-Conduct Rule 3(h)(3)(A) and Commentary on Judicial-Conduct Rule 3.

DISMISSED.