

FILED

JAN 19 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90010

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge erroneously construed his motion for a criminal investigation as a civil complaint, and should not have closed that case for failure to pay the filing fees. These allegations relate directly to the merits of the judge’s rulings and are therefore 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 Rules 3(h)(3)(A), 11(c)(1)(B).

Complainant alleges that the judge was duty-bound to order an investigation of his claims that the state “has been for decades steeling [sic] money from State Inmates by illegally taking fines, fees and restitution” in violation of the state’s civil code. He alleges that the judge, by not ordering the requested investigation, is now a co-conspirator of the allegedly illegal acts. Further, complainant fears that the subject judge and other judges will be biased against him in his pending

habeas matter. However, 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). Complainant has not offered any evidence of misconduct, so these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant requests that his pending habeas case be transferred to another district court, and that the Judicial Council re-examine his “three strikes” status under 28 U.S.C. § 1915(g). These requests are denied because they seek relief that is not available in judicial misconduct proceedings. 28 U.S.C. § 354(a)(2); In re Complaint of Judicial Misconduct, 630 F.3d 1262 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(a).

DISMISSED.