

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

MAY 11 2016

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 16-90043 and 16-90044

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge and a magistrate judge made improper rulings in his civil cases. These claims relate directly to the merits of the judges' 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 alleges these rulings show that the judges favored the defendants; however, adverse rulings alone cannot prove bias. Because complainant offers no other evidence in support of these allegations, this charge must be dismissed. 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); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also reiterates misconduct allegations he raised in a prior complaint against a different district judge, which I dismissed as merits-related and unsupported. See In re Complaint of Judicial Misconduct, No. 15-90147 (9th

Cir. Jud. Council 2015), aff'd, In re Complaint of Judicial Misconduct, No. 15-90147 (9th Cir. Jud. Council 2016). Therefore, my prior order makes further action on these charges unnecessary. See 28 U.S.C. § 352(b)(2); In re Complaint of Judicial Misconduct, 563 F.3d 853, 854 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(C).

Further misconduct complaints presenting fundamentally the same allegations may be summarily dismissed as frivolous. Judicial-Conduct Rule 11(c)(1)(C). Moreover, complainant is cautioned that a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.”

Judicial-Conduct Rule 10(a).

DISMISSED.