

MAY 11 2016

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

No. 16-90050

**ORDER****THOMAS**, Chief Judge:

Complainants allege that a bankruptcy judge failed to recuse himself, made improper credibility findings, and made other erroneous rulings in the underlying bankruptcy proceedings. 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).

Complainants also accuse the judge of “multiple failures to follow the law.” Although a pattern and practice of disregarding controlling precedent may amount to misconduct, “a complainant must at a minimum allege that the rulings in question have been reversed[.]” In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011). Moreover, “a single reversal, or even a handful of reversals, doesn't prove misconduct . . . The number of erroneous rulings must be large enough that it could constitute a pattern.” Id.

Complainants fail to make any such showing, and accordingly, this charge is dismissed as unfounded. 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).

Finally, complainants allege that the subject judge was biased against them due to his close personal friendship with a state judge who “rigged” their state court proceedings. In particular, complainants point out that the subject judge, like many members of the local Bar, attended the state judge’s retirement party. Complainants also make a vague, unsupported allegation that the judges’ wives “spend time together” and are members of the same (unspecified) clubs. Complainants raised this same allegation in a recusal motion, which the subject judge denied, stating on the record that he is not a close personal friend of the state judge, nor are the judges’ wives close personal friends. It is not misconduct, nor evidence of bias or an improper relationship, for a judge to attend a colleague’s retirement party. See Code of Conduct for United States Judges, Canon 4 (“A judge may engage in extrajudicial activities, including law-related pursuits and . . . social . . . activities”); Commentary to Canon 4 (“Complete separation of a judge from extrajudicial activities is neither possible nor wise; a judge should not become isolated from the society in which the judge lives”). Nor do complainants’

“vague insinuations . . . provide the kind of objectively verifiable proof that we require.” In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. 2009).

Accordingly, this charge is dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**