

FILED

JUL 11 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90076

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge made various improper rulings in the underlying civil case. 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).

Complainant also alleges that the judge was biased against her due to her pro se status. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which 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).

Next, complainant alleges that the judge gave opposing counsel favorable treatment in scheduling, made a false or incomplete court record, held ex parte

communications with opposing counsel, and had a pre-existing relationship with opposing counsel. Complainant offers no objectively verifiable evidence (or citation to the record) to support these vague and conclusory allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that the underlying case was improperly transferred to the subject judge's court. Our circuit has held that an individual "has no right to any particular procedure for the selection of [a] judge" and is only "entitled to have that decision made in a manner free from bias or the desire to influence the outcome of the proceedings." Cruz v. Abbate, 812 F.2d 571, 574 (9th Cir. 1987). Complainant offers no evidence that the underlying case was assigned with an improper motive or purpose, or that the subject judge was even involved in the case assignment. Accordingly, these allegations are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that opposing counsel used discriminatory language or otherwise mistreated complainant, such allegations are dismissed

because this misconduct complaint procedure applies only to federal judges. See
In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud.
Council 2011); Judicial-Conduct Rule 4.