

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. 16-90083

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge habitually fails to provide reasons and fails to follow appellate court directives in his rulings. He bases his current charges on a recent appellate decision in which a panel vacated the judge's ruling and reassigned the case to another judge. Complainant was not a party or counsel in the case.

I have examined the judge's rulings and the appellate decision cited. The panel did not find that the judge failed to provide any reasons for his ruling, but instead found that the reasons that the judge did state were insufficient. Erroneous rulings are not proof of misconduct. See *In re Complaint of Judicial Misconduct*, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011). Further, there is no evidence that the judge flouted any appellate directive in this case. The judge's conduct and decisions in the case at issue do not demonstrate a willful indifference to the law. Because complainant fails to show why the judge's ruling reversed by this

particular appellate decision amounts to misconduct, this allegation is dismissed.

See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant suggests that the judge is afflicted with “antisocial personality disorder.” But the judge’s rulings are not proof of a disability, see In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. 2009), and complainant provides no other supporting evidence for this charge.

DISMISSED.