

DEC 5 2016

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

No. 16-90146

ORDER**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge made various improper rulings in his underlying civil case, including allowing a magistrate judge to make rulings concerning discovery without consent by the parties. Although a magistrate judge is restricted from issuing dispositive orders, the docket shows that the magistrate judge made no dispositive rulings in the case. See 28 U.S.C. § 636(b)(1). In fact, complainant raised this identical issue in a “motion for exception,” and the district judge denied his argument explaining that the judge was permitted to work on pretrial matters. To the extent that complainant disagreed with the district judge’s orders, the charges relate directly to the merits of the judge’s 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 also alleges that the judge was biased against him. 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).

DISMISSED.