

FILED

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. 16-90148

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge made various improper rulings in her 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 further alleges that the judge was biased, deliberately lied to her, and conspired with defendants to violate her civil rights. However, adverse rulings are not proof of bias or conspiracy, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge had a conflict of interest because she sought a tax refund, and a judge's salary is paid through income taxes. She claims that "[J]udges who don't pander to the IRS during trial may be threatened with a political audit." An allegation that a judge presided in a case knowing that he was subject to a conflict of interest may present a viable claim of judicial misconduct. But to state such a claim, a complainant must provide convincing proof that the judge was aware of the conflict or was acting with a corrupt motive. See In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011). The evidence presented in this case is insufficient to make such a showing, and the allegations are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.