

**FILED**

MAR 23 2017

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 17-90000 and 17-90001

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se litigant, alleges that two district judges made various improper rulings in her Fair Credit Reporting Act case against her bank and credit reporting agencies. These allegations relate directly to the merits of the judges' 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 claims that the district judge who presided over her case should have been disqualified due to alleged conflicts of interest with three companies: American Express, Qualcomm and Nokia. Complainant raised this issue with regard to American Express in a motion to disqualify in the underlying proceedings. The second named judge, who was assigned to the motion to disqualify, denied that motion, ruling that because American Express was not a defendant in the case, it was unclear how the judge's purported interest in

American Express could have affected the proceedings. Further, the judge assigned to the motion to disqualify examined the presiding judge's most recent financial disclosure statement and noted that he did not have an ownership interest in American Express at the time of the case.

Furthermore, neither Nokia or Qualcomm were named as defendants in complainant's underlying proceedings. Instead, complainant seems to contend that the conflict arose because complainant previously worked for an arbitrator who worked on cases that involved Nokia and Qualcomm. It is not clear how the presiding judge's alleged interests in those companies would be implicated. Complainant does not articulate any basis upon which to find that the presiding judge had a disqualifying conflict of interest, and a review of the underlying record reveals none. Accordingly, this allegation is dismissed as merits-related and unfounded. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009) ("To the extent complainant...allege[s] that the judge should have recused himself...this allegation relates directly to the merits and must be dismissed"); Judicial-Conduct Rules 11(c)(1)(B), (D).

Complainant further alleges that the presiding judge was biased against her and is well known for his "hatred for women, indigents, and the law itself" and for

“corruption.” Complainant provides no evidence to support these inflammatory allegations, which are 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) (noting that “adverse rulings alone do not constitute proof of bias”); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009) (“complainant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the presiding judge had improper ex parte communications with the defendants. She presumes this communication occurred because the defendants had offered to settle the case, but after they filed a summary judgment motion, they did not continue to pursue settlement with her. Complainant offers no objectively verifiable proof of an ex parte communication, and this allegation 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).

Complainant further alleges that the presiding judge was rude to her and used “abusive” language. She does not provide any hearing dates or transcripts, or any further information to evaluate this allegation. She also claims that the judge

was hostile to an attorney handling a different matter while she was present in the courtroom. Again, she does not provide any dates, case numbers, or witness statements. Because complainant fails to provide sufficient evidence to raise an inference that misconduct has occurred, these allegations are dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that both of the named judges were unable to comprehend her arguments. She further claims that the presiding judge is “disabled” and “unable to function.” However, the judges’ 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 these charges. Therefore, the allegations are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant raises allegations against court staff, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**