

**FILED**

JUL 13 2017

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 17-90052

**ORDER**

**THOMAS**, Chief Judge:

Complainant alleges that a magistrate judge misconstrued the law and “overlooked all of the issues” in her recommendation to deny his habeas petition. These allegations relate directly to the merits of the judge’s decision 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 suggests that the judge’s “mental capacity caused a miscarriage of justice.” However, adverse rulings are not proof of disability, and complainant provides no objectively verifiable evidence to support this allegation, which 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).

**DISMISSED.**