

DEC 20 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 17-90079

ORDER

REINHARDT, Circuit Judge¹:

Complainant alleges that a district judge colluded with defendants and other “special interest” groups in complainant’s underlying civil cases and allowed them to “author” the judge’s rulings, including vexatious litigant orders against complainant. Adverse rulings are not evidence of conspiracy, and complainant provides no objectively verifiable evidence to support these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011) (“adverse rulings do not prove bias or conspiracy”); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009) (“claimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge had a conflict of interest and

¹This complaint was assigned to Circuit Judge Stephen Reinhardt pursuant to 28 U.S.C. § 351(c).

should have recused from his cases involving the state superior court because the judge allegedly had defended the county while in private practice before joining the bench. Complainant presents no objectively verifiable evidence of a disqualifying conflict of interest, and a review of the underlying record reveals none. Accordingly, these allegations must be dismissed as merits-related and unfounded. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011) (“Allegations that a judge erred in failing to recuse are generally dismissed as merits-related”); Judicial-Conduct Rules 11(c)(1)(B), (D).

To the extent complainant makes allegations against state judges or other entities, such allegations are dismissed because this judicial misconduct procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.