**FILED** 

## JUDICIAL COUNCIL

NOV 16 2017

OF THE NINTH CIRCUIT

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

IN RE COMPLAINT OF

JUDICIAL MISCONDUCT

Nos. 17-90106, 17-90107 and 17-90108

**ORDER** 

## THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that two district judges and a magistrate judge made improper rulings in his criminal case. 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 further alleges that at least one of the judges conspired to maliciously prosecute him. However, adverse rulings are not proof of 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).

To the extent complainant raises allegations against attorneys, state judges, or the Department of Corrections, such allegations are dismissed because this

misconduct complaint 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.