

FILED

DEC 13 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90115

ORDER

THOMAS, Chief Judge:

Complainant alleges that a magistrate judge improperly recommended the denial of complainant’s motion to vacate an arbitration award, and erroneously denied complainant’s motion for relief from judgment. Complainant claims that the judge misstated the arbitration record, ignored witness testimony and failed to address arbitrator misconduct, among other allegedly improper findings. Any disagreement complainant has with the judge’s decisions is merits-related and is not cognizable in misconduct proceedings. 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 alleges that the judge “knowingly and intentionally” changed the record and, in doing so, “supported” the alleged criminal acts committed by the defendant. Adverse rulings are not evidence of fraud or collusion, 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, 838 F.3d 1030 (9th Cir. Jud. Council 2016); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.