

FILED

MAR 21 2018

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 18-90026

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a bankruptcy judge made biased and unfair rulings in a bankruptcy proceeding. However, adverse rulings alone are not proof of bias, 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, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge abused her power to obtain special treatment for friends or relatives, accepted bribes, engaged in partisan political activity, had improper ex parte communications, and violated “other specific, mandatory standards of judicial conduct.” Complainant offers no proof or citation to the record in support of these vague and conclusory allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1147 (9th Cir. Jud. Council 2009); 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. This claim must therefore also be dismissed”);

Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that the judge “treat[ed] litigants, attorneys, or others in a demonstrably egregious and hostile manner.” Complainant offers no proof in support of this vague and conclusory allegation, which is unsupported by the record. To the contrary, the underlying record shows that complainant has a history of harassing the opposing party, was rude and disruptive at court proceedings, and was warned that his behavior could result in a contempt order. The judge was respectful and professional in the underlying proceedings, and did not treat any of the parties or counsel in a demonstrably egregious or hostile manner. Accordingly, this allegation is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014) (“Misconduct includes treating litigants or attorneys in a demonstrably egregious and hostile manner. The comments here do not meet that standard. The judge did not use demeaning language or heap abuse on anybody”) (internal quotations omitted); Judicial-Conduct Rule 3(h)(1)(D).

Complainant is cautioned that a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.” Judicial-Conduct Rule 10(a).

DISMISSED.