

**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. 18-90029

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a debtor in a bankruptcy case, alleges that a bankruptcy judge made various improper rulings in the underlying proceedings. These allegations relate directly to the merits of the judge's 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 also alleges that the judge accused him of filing multiple bankruptcy petitions and scheming to defraud and hinder creditors, without giving complainant an opportunity to respond. Complainant misstates the record, which shows that a creditor filed a motion for relief from stay, alleging that complainant had filed multiple bankruptcy petitions and schemed to defraud creditors.

Complainant was given an opportunity to respond, and in fact did file a response and objections to the motion. The judge ultimately ruled for the creditor. To the

extent complainant alleges that this ruling was incorrect, such allegations must be dismissed as merits-related. Id.

Complainant next alleges that at a hearing, the judge sarcastically asked complainant if he was the same person as his ex-wife, and denied complainant an opportunity to be heard. This allegation is belied by the record. At the hearing in question, the judge noted that complainant was neither a named party nor an attorney in the case, and therefore would not be allowed to make argument at that hearing. The judge did not treat complainant in an egregious or hostile manner. Accordingly, this charge is dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii), (B); In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014); Judicial-Conduct Rules 3(h)(1)(D), 11(c)(1)(D).

Complainant further alleges that the judge instructed the Clerk of Court to reject complainant's filings. The record shows that complainant filed a request for default judgment, which the Clerk denied for failure to attach required documents. Complainant makes no showing that the subject judge was involved, or that the denial of complainant's request in any way amounted to misconduct.

Accordingly, these allegations are dismissed as unfounded and for failure to allege conduct prejudicial to the effective and expeditious administration of the business

of the courts. See In re Complaint of Judicial Misconduct, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014); In re Complaint of Judicial Misconduct, 726 F.3d 1060, 1062 (9th Cir. Jud. Council 2013) (“Because complainant’s charges wouldn’t constitute misconduct even if true, the complaint is dismissed as groundless”); Judicial-Conduct Rule 11(c)(1)(A), (D).

Finally, complainant accuses the judge of racketeering and “abusing his authority as a bankruptcy judge to do so.” Adverse rulings are not proof of misconduct, 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, 715 F.3d 747, 749 (9th Cir. 2013) (“As we have frequently held, adverse rulings, standing alone, are not proof of misconduct”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant’s request that the judge be disqualified from the underlying case is denied because this type of relief is not available in misconduct proceedings. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a).

**DISMISSED.**