

MAY 21 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-90138

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a district judge.

Complainant, a pro se litigant, filed a civil case in district court. The subject judge was assigned to that matter.

Complainant alleges that the judge improperly dismissed her case. This charge relates directly to the merits of the judge’s ruling and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

A misconduct complaint is not a proper vehicle for challenging the merits of a judge’s rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against her due to her appearance and language barriers. But complainant hasn’t provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support this allegation. Adverse rulings do not constitute proof of

bias. Because there is no evidence that misconduct occurred, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.