FILED

OCT 13 2010

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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF	Nos. 09-90248 and 09-90249
JUDICIAL MISCONDUCT	**ORDER**

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a magistrate judge denied his requests to proceed in forma pauperis in retaliation for his actions in another case. The charge must be dismissed because adverse rulings alone do not constitute proof of bias, and complainant hasn't provided any other supporting evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Complainant also alleges that the district court improperly transferred his case to a different magistrate judge who granted a motion to dismiss his claims without giving him an opportunity to respond. This charge too must be dismissed: First, complainant hasn't provided evidence of any improper motive for the transfer. Second, he actually did oppose the motion to dismiss after the magistrate judge granted him additional time to do so. See 28 U.S.C. § 352(b)(1)(B).

The merits of the rulings themselves may not be challenged through the misconduct complaint procedure. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-

Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). Any allegations that court staff or other parties engaged in misconduct must also be dismissed because the complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant previously raised similarly meritless allegations of collusion and improper rulings in four misconduct complaints against three circuit judges, three district judges and a magistrate judge. See In re Complaint of Judicial Misconduct, Nos. 08-90013+ (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, No. 07-89099 (9th Cir. Jud. Council 2008); In re Charge of Judicial Misconduct, No. 07-89082 (9th Cir. Jud. Council 2007); In re Charge of Judicial Misconduct, No. 06-89056 (9th Cir. Jud. Council 2006). In my order dismissing the most recent complaint, I 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." See In re Complaint of Judicial Misconduct, No. 08-90133+.

Complainant is therefore ordered to show cause why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.