

FILED

APR 29 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89103

MEMORANDUM AND ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against a circuit judge of this circuit. Complainant, a pro se bankruptcy debtor, has filed a number of misconduct complaints in recent years, including a series of complaints alleging improper dismissal by each of the judges who had dismissed his previous complaints. The subject judge, acting as chief judge pursuant to the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability (Misconduct Rules), dismissed two of complainant's previous complaints. Complainant alleges that these dismissals were judicial misconduct, but "[a]ctions by the chief circuit judge" or the judge acting in that capacity "to dismiss or conclude a complaint . . . , by itself, is not the 'conduct prejudicial' which can be complained about" under the Misconduct Rules, so the charge is dismissed. Misconduct Rules 1(c) and 4(c)(2)(A); see 28 U.S.C. §

351(a). Complainant's proper recourse is to petition the circuit's judicial council for review of the disposition. Misconduct Rule 1(c).

DISMISSED.