

FILED

MAY 01 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-89001

MEMORANDUM AND ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against a magistrate judge of this circuit. Complainant, a pro se prisoner, filed a petition for a writ of habeas corpus challenging a state criminal conviction. The subject judge recommended that the motion to dismiss the petition be granted. A district judge adopted the recommendation and dismissed the petition.

Complainant alleges that the judge's recommendation was factually and legally incorrect. Because the charge is directly related to the merits of the judge's recommendation in the underlying case, it must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); Rule 4(c)(1) of the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability. A complaint of judicial misconduct is not a proper vehicle for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud.

Council 1982).

DISMISSED.