

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 08-89020 and 08-89045

ORDER

KOZINSKI, Chief Judge:

Two complaints of misconduct have been filed against three circuit judges. Complainants, pro se litigants, filed two petitions for review of a federal agency's decisions. The subject judges denied the petitions.

Complainants allege that the judges applied the incorrect standard of review, disregarded applicable statutes, failed to address issues and arguments raised in their briefs, ignored evidence and otherwise issued an erroneous decision. These charges relate directly to the merits of the judges' decisions and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1). 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).

Complainants also allege that the judges were "friends" with the agency involved and that they were improperly influenced to render decisions favorable to

the agency. But complainants haven't included any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) supporting these allegations of bias. Because there isn't sufficient evidence to raise an inference that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3); Commentary on Misconduct Rule 4.

DISMISSED.