

FILED

DEC 05 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-89032

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against three circuit judges. Complainant, an attorney, alleges that the judges improperly sanctioned him for raising frivolous issues on appeal. Despite complainant's assertion to the contrary, this charge relates directly to the merits of the judges' ruling 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).

DISMISSED.