

MAY 04 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-90105

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a district judge. Complainant, a pro se litigant, filed a civil rights action in district court. The subject judge was assigned to the matter.

The bulk of the complaint deals with the conduct of state court judges and others involved in complainant's state court prosecution. These charges are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Only a few lines of the complaint are devoted to the subject judge's conduct, and they all relate to what complainant claims was the improper dismissal of his case. This charge relates directly to the merits of the judge's decision and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). 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.