

JUN 03 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 08-90142 and 08-90143

ORDER**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a district judge and a magistrate judge. Complainant, a pro se prisoner, filed a habeas petition in district court. The subject judges were assigned to the matter.

Complainant appears to take issue with various aspects of the judges' rulings. 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); 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).

Complainant also appears to allege that the judges ignored some of his motions. However, the docket reveals that the judges addressed all of complainant's motions, so this charge is dismissed as lacking factual foundation. See 28 U.S.C. § 352(b)(1)(B).

DISMISSED.