

MAY 20 2009

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 08-90146

ORDER**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a bankruptcy judge.

Complainant, an attorney, appeared in a bankruptcy proceeding before the subject judge.

Complainant alleges that the judge improperly sanctioned him. 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).

Complainant also alleges that the judge's use of sanctions is "unfair and unethical." Complainant claims that the judge "sanctions attorneys these petty sums of money for either personal self-import (Mr. Tough Guy) or some other inappropriate reasons such as to vent some personal bias," and that the judge "views himself as school bully not judge." But complainant provides no proof of

bias or any other improper motive on the judge's part. And while complainant uses colorful language, his allegations amount to nothing more than a disagreement with the judge's policy of imposing nominal sanctions on attorneys who fail to comply with the rules. Insofar as any sanctions imposed by the judge were not justified, the error was correctable on appeal. See In re Charge of Judicial Misconduct, 685 F.2d at 1227. These charges are dismissed because the charged behavior does not amount to "conduct prejudicial to the effective and expeditious administration of the business of the courts." See 28 U.S.C. § 351(a); Judicial-Conduct Rule 11(c)(1)(A).

DISMISSED.