

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

FILED

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 07-89116

MEMORANDUM AND ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against three circuit judges of this circuit. The complaint also seeks to name all circuit judges “involved in” five court of appeals matters. Administrative consideration of such complaints is governed by the Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability (Misconduct Rules), issued pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. 28 U.S.C. §§ 351–364.

Complainant, a pro se prisoner, alleges that the judges have conspired to cover up a state court judge’s scam by preventing complainant’s appeals and petitions from being heard, refusing to address the claims in the appeals and petitions, and destroying his exhibits.

Complainant failed to include any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) supporting his broad

allegation of a conspiracy involving the circuit judges. Conclusory charges that are wholly unsupported will be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

To the extent complainant alleges that his matters were improperly dismissed or denied, the allegation relates to the judges' rulings and decisions in the cases. The procedures for judicial misconduct are not a proper venue for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). A complaint will be dismissed if it is directly related to the merits of a judge's ruling or decision in the underlying case. 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1).

DISMISSED.