

AUG 15 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89128

ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against a district judge. Complainant, a pro se prisoner, alleges that the judge improperly denied him in forma pauperis status in a civil rights suit that he filed. The charges relate directly to the merits of the judge's ruling, and a misconduct complaint is not the proper vehicle for such a challenge. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1).

Complainant also claims that the judge was biased against him, obstructed the filing of his civil rights suit and conspired with prison authorities, but he fails to provide any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) supporting his allegations. Conclusory

accusations that are wholly unsupported, as here, will be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

DISMISSED.