

MAY 22 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-90132 and 08-90134

ORDER

KOZINSKI, Chief Judge:

Misconduct complaints have been filed against a district judge and a magistrate judge. Complainant, a pro se litigant, filed a civil action in district court. The subject judges were assigned to the matter.

Complainant alleges that the judges made various improper substantive and procedural 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 alleges that the judges were biased against him and favored the defendants. Complainant further alleges that the judges conspired with the defendants. But complainant hasn't included any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support

these allegations. Adverse rulings do not constitute proof of bias or conspiracy.

Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's allegations against court staff are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.