

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

SEP 27 2012

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 12-90079

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that a district judge made erroneous rulings in her civil case. This allegation relates directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges that the judge should have recused himself because she named him as a defendant in her civil suit. But complainant named the judge as a defendant only after the case had been assigned to him. A litigant is not entitled to rid himself of the judge assigned to his case by adding him as a defendant. See United States v. Studley, 783 F.2d 934, 939–40 (9th Cir. 1986). This charge is dismissed for failing to allege any misconduct. See 28 U.S.C. § 352(b)(1)(A)(i); Judicial-Conduct Rule 11(c)(1)(A).

DISMISSED.