

SEP 25 2013

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 12-90164

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that a district judge made erroneous rulings in his 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); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct R. 11(c)(1)(B).

Complainant further alleges that the judge improperly engaged in ex parte or unauthorized communication by granting an opposing party's ex parte application for an extension of time to respond to the complaint. But judges are authorized to grant ex parte applications for extensions in certain circumstances. Fed. R. Civ. P. 6(b)(1)(A). Granting such relief therefore is not improper. This charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct R. 11(c)(1)(D).

Complainant also takes issue with the inability of the misconduct procedure to change the outcome of his underlying case, but that is the law. See 28 U.S.C.

§ 354; In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011). Any objection complainant may have must be directed to Congress.

DISMISSED.