

FILED

APR 29 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89125

MEMORANDUM AND ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against two circuit judges and a district judge of this circuit. Complainant, a pro se litigant, filed a fraud action in district court and was granted in forma pauperis status. The district judge then granted defendant's motion to dismiss the complaint. Complainant appealed and the district judge certified that the appeal was not taken in good faith. Based on this certification, the circuit judges denied in forma pauperis status on appeal. Complainant did not pay the filing fee and her appeal was dismissed for failure to prosecute.

Complainant alleges that the subject judges improperly denied in forma pauperis status and denied her access to justice. Because the charges are directly related to the merits of the judges' rulings in the underlying case, they must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii); Rule 4(c)(1) of the Rules of the Judicial

Council of the Ninth Circuit Governing Complaints of Judicial or Disability (Misconduct Rules). A complaint of judicial misconduct is not the proper vehicle for challenging 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 her due to her indigent status, but she hasn't included any objectively verifiable proof (for example, names of witnesses, documents, recordings or transcripts) supporting these allegations. Because there isn't sufficient evidence to raise an inference that misconduct occurred, these charges are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

DISMISSED.