

**FILED**

APR 22 2008

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 07-89135

**MEMORANDUM AND ORDER**

**KOZINSKI**, Chief Judge:

A complaint of misconduct has been filed against a district judge of this circuit. Complainant is a defendant in a criminal case. His first motion to remove his appointed counsel was rejected by the judge because it was filed by complainant and not his counsel of record. The judge appointed new counsel several days later. Complainant filed a second motion to remove the new attorney, which the judge denied. After filing this complaint, he filed several more motions regarding removal of counsel and the judge appointed a third attorney.

Complainant alleges that the judge improperly rejected his first motion and failed to “rule on the merits” of his second motion. Because the charges are directly related to the merits of a judge’s ruling or decision 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

Misconduct or Disability (Misconduct Rules). The procedures for judicial misconduct are not a proper venue for challenging a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant alleges that the judge's actions are part of a wider conspiracy among judges, government attorneys and defense attorneys to obstruct defendants from presenting a meaningful defense. Complainant hasn't included any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) supporting his allegation. Because there isn't sufficient evidence to raise an inference that misconduct occurred, the charge is dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

Complainant also raises allegations about his attorneys, but this complaint procedure applies only to federal judges. Misconduct Rule 1(d). Complaints about an attorney or law firm can be made to the relevant state bar association. Id.

**DISMISSED.**