

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

DEC 23 2008

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-89048, 08-90001,
08-90002, 08-90003

ORDER

KOZINSKI, Chief Judge:

Two related misconduct complaints have been filed against a magistrate judge and three circuit judges, one of whom has since died. Complainant, a pro se litigant, sought review of a federal agency decision.

Complainant alleges that the magistrate judge disregarded the briefs and evidence that he submitted and incorrectly affirmed the agency's decision. Complainant further alleges that the circuit judges incorrectly affirmed the magistrate judge's decision. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1); 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). The charges against the deceased judge are also dismissed as moot.

DISMISSED.