

APR 03 2009

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 08-90056 and 08-90057

**ORDER**

**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a district judge and a magistrate judge. Complainant, a pro se litigant, filed a civil action in district court. The subject judges were assigned to the matter.

Complainant alleges that the judges made various improper substantive and procedural rulings. 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); 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).

**DISMISSED.**