

JUL 13 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-90140 and 08-90141

ORDER**KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a district judge and a magistrate judge. Complainant, a pro se prisoner, filed a habeas petition in district court. The matter was assigned to the subject judges.

Complainant alleges that the judges had conflicts of interest, favored friends and relatives, engaged in improper ex parte discussions with counsel or parties, and accepted bribes. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support his allegations. These charges must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also raises claims relating to the merits of his underlying habeas petition. Those claims are not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

DISMISSED.