

NOV 10 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALSJUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
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No. 09-90071

**ORDER****KOZINSKI**, Chief Judge:

Complainant alleges that the district judge assigned to several of his civil cases made various improper substantive and procedural rulings, including declaring complainant a vexatious litigant. These charges relate directly to the merits of the judge's 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 the 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).

Complainant's requests to file a new complaint and recuse the judge are not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h); In re Charge of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

**DISMISSED.**