

MAR 19 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90081

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a magistrate judge made various improper substantive and procedural rulings concerning his habeas petition; he claims that the judge “is either an ‘IDIOT’ or a ‘CROOK.’” Such scurrilous allegations are wholly uncalled for, particularly since the district judge assigned to complainant’s case adopted the magistrate judge’s report and recommendation in its entirety. In any event, this charge relates 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); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). To the extent complainant charges that the subject judge is disabled, he offers no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support this allegation. The fact that the judge ruled against complainant is not proof of disability. This charge must therefore be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d

598, 598 (9th Cir. Jud. Council 2009). Complainant is cautioned to avoid abusive language in any future misconduct complaints, lest they be dismissed summarily on that basis.

DISMISSED.