

FEB 16 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 09-90089, 09-90090,
09-90091, 09-90092, 09-90093
and 09-90094

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that three district judges, a magistrate judge and two circuit judges made various improper substantive and procedural rulings in three civil cases. 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 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 also alleges that the judges "disrespected the oath given to all justices and judges, by and through their enjoinder in conspiracy to deprive a veteran/U.S. citizen of his rights and privileges." Complainant does not explain how these judges disrespected him or his rights, other than by ruling against him. Nor has complainant provided any objectively verifiable proof (for example,

names of witnesses, recorded documents or transcripts) to support this vague allegation. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Because there is no evidence of misconduct, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's requests for damages, to depose a judge and to have the judges declared "Homeland Terrorist[s]" are not cognizable under this misconduct complaint procedure. See Judicial-Conduct Rule 3(h); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

Complainant's allegations against a state judge, prosecutor, defense counsel and court staff are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.