

MAR 24 2010

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

Nos. 09-90110 and 09-90111

ORDER**KOZINSKI**, Chief Judge:

Complainant, a pro se litigant, alleges that the district and magistrate judges assigned to his civil case 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). The appellate process, not a misconduct complaint, is 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 magistrate judge was hostile during a settlement conference, forced him to accept a settlement agreement and conspired with the defense's attorney. But complainant hasn't provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Because there is

no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also seems to allege the district judge was subject to a disability, but does not explain the nature of the alleged disability, nor provide any proof thereof. This charge must therefore be dismissed as lacking in a factual foundation. See In re Complaint of Judicial Misconduct, 569 F.3d at 1093.

Complainant's allegations against court staff are dismissed because this misconduct procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Charge of Judicial Misconduct, 569 F.3d at 1093. Complainant's requests to reverse the judges' decisions or for relief from the judgment are dismissed as well; neither is cognizable in this proceeding. See Judicial-Conduct Rule 3(h).

DISMISSED.