

FILED

FEB 23 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90118

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed that makes allegations against a district judge who has since resigned. Those charges are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996). To the extent the complaint also raises allegations against prison officials, those claims must be dismissed because this misconduct procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

DISMISSED.