

APR 29 2010

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

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 09-90150, 09-90151 and
09-90152

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that three circuit judges improperly affirmed the district court's dismissal of his civil action. This charge relates directly to the merits of the judges' ruling 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).

In my order dismissing a prior complaint by the same complainant, I warned him that filing further frivolous misconduct complaints could result in filing restrictions. See In re Charge of Judicial Misconduct, Nos. 08-90194+ (9th Cir. Jud. Council 2009). I repeat that warning and refrain from requiring complainant to show cause why filing restrictions should not be imposed only because he filed this complaint shortly before that order issued.

DISMISSED.