

OCT 14 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90162

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that the magistrate judge who presided over his first appearance for a petty offense tried to “coerce a guilty plea & fine payment” by “bullying” him and responding angrily to his questions. An audio recording reveals that the judge was polite throughout complainant’s plea hearing and made no attempt to coerce a guilty plea. Indeed, the magistrate judge attempted several times to set a trial date, but was interrupted each time by complainant. Because complainant’s charges are utterly without foundation, they must be dismissed. 28 U.S.C. § 352(b)(1)(B); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 527 F.3d 792, 795 (9th Cir. Jud. Council 2008).

Complainant’s charges against the forest officer who issued the citation, the prosecutor and unspecified court staff are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.