

**FILED**

MAY 13 2010

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 09-90169

**ORDER**

**KOZINSKI**, Chief Judge:

Complainant alleges that the district judge assigned to his civil case made an improper procedural ruling. Because this charge relates directly to the merits of the judge's ruling, it must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). An appeal, not a misconduct complaint, is the proper vehicle to challenge the merits of a judge's ruling. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant's request to be reimbursed for his filing fee and other court expenses is not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

**DISMISSED.**