

JUL 28 2010

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

Nos. 09-90181, 10-90035 and
10-90036**ORDER****KOZINSKI**, Chief Judge:

Complainant alleges that a district judge and two circuit judges made various improper substantive and procedural rulings in his criminal case. 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). A misconduct complaint is not 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 the district judge "made no attempt to control . . . racist remarks" in his courtroom. But complainant's exhibits reveal no evidence of racist conduct, and so this claim is dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009).

To the extent complainant makes allegations against the prosecutor, these

claims are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.