

FILED

OCT 05 2010

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

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 09-90185

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge made various substantive and procedural errors when sentencing him to an above-Guidelines prison term. Complainant's allegations have been rejected by a panel of the Ninth Circuit, which affirmed the sentence. A complaint of judicial misconduct is not a vehicle to relitigate an unsuccessful appeal. See In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. 2009). Because all of complainant's charges relate directly to the merits of the judge's rulings, they must 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).

DISMISSED.