

AUG 11 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 09-90194, 09-90268,
10-90033 and 10-90034

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge and three circuit judges made various improper substantive and procedural rulings in his civil case. These charges relate directly to the merits of the judges' rulings and must 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 that the district judge and one of the circuit judges demonstrated hostility towards complainant and accuses these judges of committing various criminal offenses. But complainant has provided no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Because there is no evidence

that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's request to incarcerate the district judge is dismissed because such relief is not available under the misconduct complaint procedure. Judicial-Conduct Rule 11(a). To the extent complainant makes allegations against his doctors, the police, a retail store and a state judge, they are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

DISMISSED.