

OCT 13 2009

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90013

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that the district judge assigned to his civil case made various improper substantive and procedural rulings. These charges relate directly to the merits of the judge's 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 that the judge was biased against him, favored the defendant, accepted bribes and might be mentally incompetent. Complainant hasn't provided any 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. Jud. Council 2009). Because there is no evidence that misconduct occurred or that the judge is disabled, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii);

Judicial-Conduct Rule 11(c)(1)(D).

Complainant's requests for recusal, a jury trial and the return of allegedly stolen money are not the proper subject of a misconduct proceeding. See Judicial-Conduct Rule 3(h).

In the past five years, complainant has filed four misconduct complaints against another judge; all were dismissed because complainant's allegations were conclusory and/or related to the merits of the subject judge's rulings. Further misconduct complaints that present fundamentally the same allegations may be summarily dismissed. Complainant is cautioned that the filing of any more such complaints may also result in the imposition of sanctions, including an order requiring complainant to obtain leave before filing further misconduct complaints. Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.