

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90051

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that the bankruptcy judge assigned to her case improperly approved a settlement. This charge relates directly to the merits of the judge's ruling and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). The appellate process, not a misconduct complaint, is 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 hostile and derogatory during a hearing, and that he browbeat her into accepting the settlement even though it was not in her best interest. A review of the hearing transcript indicates only that the judge was politely and professionally trying to explain the bankruptcy proceeding to complainant. Because the conduct complained of does not constitute misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii);

Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant's allegations against her former counsel are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Charge of Judicial Misconduct, 569 F.3d at 1093.

DISMISSED.