

JAN 05 2011

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

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
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No. 10-90088

**ORDER****KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge assigned to his habeas petition committed several substantive and procedural errors. These charges must be dismissed because they relate directly to the merits of the judge's rulings. 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).

Complainant's requests to have his case assigned to a different judge or to have the magistrate judge reconsider his rulings cannot be granted under the misconduct complaint procedure. See 28 U.S.C. § 354(a); see also Ninth Circuit, Guidelines for Judicial Misconduct or Disability Complaints, [http://www.ce9.uscourts.gov/misconduct/judicial\\_misconduct.html](http://www.ce9.uscourts.gov/misconduct/judicial_misconduct.html) (last visited December 29, 2010) (explaining that the misconduct procedure "cannot change the outcome of [the complainant's] underlying case").

**DISMISSED.**