

**FILED**

JAN 18 2011

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 10-90105 and 10-90106

**ORDER**

**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that two circuit judges erroneously denied “case critical motions” he filed in the appeal of his civil case, causing him “severe Judicial Disability.” These charges relate directly to the merits of the judges’ rulings and must therefore 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).

Complainant’s allegations against the Department of Corrections are dismissed because the misconduct procedure applies only to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**