

JAN 07 2011

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

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| IN RE COMPLAINT OF JUDICIAL MISCONDUCT |
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No. 10-90112

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that a district judge improperly failed to recuse another district judge who dismissed two of complainant's civil cases. He accuses the judge of "ignor[ing his] complaints even though he knew" the trial judge was disabled and engaging in misconduct. Even if such allegations weren't subject to dismissal as merits-related, but see In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1144 (9th Cir. 2009) ("[A]lleg[ations] that the judge should have recused himself . . . relate[] directly to the merits of the judge's rulings and must be dismissed."), they must be dismissed because complainant provides no evidence that the trial judge was disabled or engaged in misconduct, or that the judge who ruled on the recusal motion acted from an improper motive. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009).

DISMISSED.