

MAR 02 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 10-90126, 10-90127,
and 10-90128**ORDER****KOZINSKI**, Chief Judge:

A pro se prisoner alleges that three circuit judges made various improper rulings in his civil rights case. These charges relate directly to the merits of the judges' rulings and so must 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).

Complaint also alleges that the judges "Conspired" with the clerk to "Withhold Its Erron[e]ous Memorandum and Mandate for a Period of (4) Four Months." But the only evidence offered to support the alleged conspiracy is the adverse ruling itself, which we've repeatedly said doesn't constitute evidence of misconduct. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Without any proof that the judges were involved in the delay, there is no evidence that misconduct occurred, so the claim must be dismissed. See id.; see also 28 U.S.C. § 352(b)(1)(A)(iii).

To the extent the complaint makes allegations against unidentified “clerks,” these claims must be dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 599 F.3d 1087, 1088 (9th Cir. 2010).

DISMISSED.