

APR 28 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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Nos. 10-90141 and 10-90142

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

A prisoner alleges that a district judge made various improper substantive and procedural rulings in his criminal case. These charges relate directly to the merits of the judge's 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 further alleges that the district judge “refuse[d] to rule on [his] pro per defense motions, and [had] them removed from the court records or ha[d] the clerk not file them.” He claims that the judge conspired with a second district judge to obstruct justice in his case, and “to conduct what amounts to Kangaroo courts, that are only show trials.” But complainant has presented no evidence, other than adverse rulings, to support his allegations. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009) (“[A]dverse rulings . . . do not constitute proof of a conspiracy.”). The charges must therefore 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 government attorneys and his defense counsel are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**