

APR 07 2011

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 10-90159, 10-90160 and
10-90161

ORDER

SCHROEDER, Circuit Judge¹:

A pro se prisoner alleges that three circuit judges erroneously denied his appeal as untimely. This charge relates 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 further alleges that the judges must be “deficient in [their] judicial faculties,” but points to nothing other than the judges' adverse rulings, which do not prove a mental disability. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). This charge must be dismissed as well. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.

¹ This complaint was assigned to Circuit Judge Mary M. Schroeder pursuant to 28 U.S.C. § 351(c).