

MAY 04 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 10-90162

ORDER**KOZINSKI**, Chief Judge:

A pro se litigant alleges that a magistrate judge improperly denied her motions in her civil case. This charge must be dismissed as merits-related. 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 also alleges that the judge “falsified information in his orders without hesitation,” but doesn’t even specify what information she claims is false, much less support her claim with any proof. This charge must therefore also be dismissed. See Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant takes issue with the inability of the misconduct procedure to change the outcome of her underlying case, claiming it “make[s] it apparent that the Ninth Circuit Court of Appeals not only condones ‘Misconduct’ but encourages it.” But it’s the Judicial Council, not the Court of Appeals, that considers misconduct complaints, and the Judicial Council is not a court and therefore doesn’t have the power to change a court’s decision. See 28 U.S.C.

§ 354; In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011). If complainant believes errors have been made in her civil case, the appropriate way to challenge those rulings is by appealing them or securing other relief from the District Court or Court of Appeals. See In re Complaint of Judicial Misconduct, 605 F.3d 1060, 1062 (9th Cir. Jud. Council 2010).

DISMISSED.