

JUL 18 2011

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 11-90092

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge improperly dismissed a habeas petition that he filed on behalf of his imprisoned cousin. These allegations 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 Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011).

Complainant also alleges that the judge engaged in ex parte communications by checking the membership records of two state bar websites and taking judicial notice that complainant was not listed as a licensed attorney on either. Assuming the judge called the state bar to inquire about complainant's status, this was not an ex parte communication, and there is nothing improper about it. These charges must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.