

APR 05 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUITIN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 11-90134

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se habeas petitioner, alleges that a magistrate judge “Obstructed Justice” by “Stating Falsely” in his report and recommendation that sufficient evidence supported complainant’s conviction. Complainant alleges further that the magistrate judge erroneously denied him a copy of the report and recommendation, and that a district judge “Rubber stamped it.” These allegations relate 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 also takes issue with the inability of the misconduct procedure to change the outcome of his underlying case, but that is the law. See 28 U.S.C. § 354; In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011). Complainant does have means of correcting any errors in his case: He can challenge the judges’ rulings 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.