

JUL 23 2012

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 12-90018

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge made erroneous rulings in his civil case. 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); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that, by ruling against him, the judge aided the opposing parties' criminal conduct. But complainant offers no evidence to support this allegation. We must dismiss this allegation as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant asks us to open a "criminal investigation" into the judge's conduct, but this is beyond the scope of judicial misconduct proceedings. See 28 U.S.C. § 354(a)(2); Judicial-Conduct Rule 11(a). "If the allegations rise to the level of criminal conduct, . . . complainant may lodge his complaint with the

United States Department of Justice or the appropriate state law enforcement authorities.” In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1155 (9th Cir. 2009).

Complainant further alleges that the judge improperly engaged in ex parte meetings with opposing parties because he granted several ex parte applications. The docket demonstrates that the judge granted the ex parte applications after finding sufficient cause, which is within the scope of his authority. See Mission Power Eng’g Co. v. Cont’l Cas. Co., 883 F. Supp. 488, 492–93 (C.D. Cal. 1995). Because complainant presents no evidence of misconduct related to the ex parte applications, the charge must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.