

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

FEB 12 2013

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

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| IN RE COMPLAINT OF JUDICIAL MISCONDUCT |
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No. 12-90053

ORDER**KOZINSKI**, Chief Judge:

A prisoner alleges that a district judge allowed former defense counsel to make errors in his habeas case. He also claims that the judge should have appointed new counsel. 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 further alleges that a commissioner failed to enforce an order for complainant's attorneys to respond to his pro se filings. But the attorneys did file a timely response. In any event, this charge relates directly to the merits of the commissioner's determinations and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). Complainant's allegation that the commissioner improperly stayed his case must be dismissed for the same reason.

DISMISSED.