

JAN 02 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 12-90060, 12-90061 and
12-90062**ORDER****KOZINSKI**, Chief Judge:

Complainant alleges that a district judge and a magistrate judge made erroneous rulings in his civil cases. These charges relate directly to the merits of the judges' 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 the district judge and a second district judge unduly delayed ruling on six of his motions and pleadings. Three of those submissions do not appear on the docket, and complainant doesn't provide copies of them. As a result, the charges with respect to these submissions "contain[] allegations which are incapable of being established through investigation" and are dismissed. 28 U.S.C. § 352(b)(1)(A)(iii). Because the record conclusively shows that the judges timely ruled on the remaining three submissions, the charges with respect to them are also dismissed. 28 U.S.C. § 352(b)(1)(B).

Complainant further alleges that both district judges and the magistrate

judge discriminated against him because of his political views. Because complainant fails to substantiate this charge in any way, it is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.