

NOV 16 2012

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 12-90078

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly vouched for a witness and improperly sealed trial transcripts in complainant's criminal 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 further alleges that the judge improperly encouraged the jury to hasten deliberations and displayed hostility toward complainant at his sentencing hearing by stating that complainant would never see the trial transcripts. A review of the trial transcripts finds no evidence that the judge encouraged the jury to hurry its deliberations. Nor is there any indication the judge displayed hostility toward complainant or told him he would never be able to see the transcripts. 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.