

JUN 19 2013

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

Nos. 13-90002 and 13-90003

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge and a magistrate judge improperly dismissed his cases and failed to recuse themselves. Because the magistrate judge has retired, the allegations against him are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

The remaining allegations relate directly to the merits of the district 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); In re Complaint of Judicial Misconduct, 623 F.3d 1101, 1102 (9th Cir. Jud. Council 2010) (holding that the decision not to recuse is merits-related); Judicial-Conduct Rule 11(c)(1)(B). To the extent complainant alleges that the district judge was biased against him, the complaint is dismissed as unsupported by any evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1147–48 (9th Cir. Jud. Council 2009); Judicial-

Conduct Rule 11(c)(1)(D).

DISMISSED.