

FILED

NOV 04 2013

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 13-90032

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a magistrate judge erroneously failed to grant him an evidentiary hearing in his habeas case. This allegation relates 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 R. 11(c)(1)(B).

DISMISSED.