FILED

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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF **JUDICIAL MISCONDUCT**	Nos. 09-90014, 09-90015, 09-90016 and 09-90070 **ORDER**

KOZINSKI, Chief Judge:

Complainant alleges that a bankruptcy judge and three circuit judges made various improper substantive and procedural rulings in his 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); Judicial-Conduct Rule 11(c)(1)(B). The appellate process, not a misconduct complaint, is the proper vehicle to challenge a judge's rulings on the merits. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judges' adverse rulings indicate that they refused to review evidence that he believes supports his claims. Assuming that failure to examine evidence would constitute misconduct, such failure may not be inferred merely from a judge's rulings on the merits. Otherwise, disgruntled litigants could transform the misconduct procedure into a second round of appellate review by characterizing a challenge to the merits as a challenge to the

consideration of the evidence—as complainant is attempting to do here. This claim is therefore dismissed as merits related. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant's allegations against a trustee and another trustee's counsel are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant's requests to reopen bankruptcy proceedings, rescind the circuit judges' decision and issue an order taking notice of a state court decision are not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h); In re Charge of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

DISMISSED.