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. 10-90009 and 10-90010 **ORDER**

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge and a magistrate judge violated his rights and showed bias by failing to inform him about the status of his habeas petition. Complainant asserts that the judges should have notified him through electronic service that the magistrate judge originally assigned to his case had resigned. But the named judges had no duty to provide complainant with any information about his habeas petition, which was dismissed for failure to prosecute four months before the original magistrate judge resigned. These charges must be dismissed for failing to allege conduct prejudicial to the effective and expeditious administration of the business of the courts. 28 U.S.C. § 351(a); Judicial-Conduct Rule 11(c)(1)(A).

In any event, complainant failed to file a notice of address change until eight months after his petition was dismissed, which explains why court orders weren't delivered to him. Complainant claims the address on his original habeas petition was correct, and therefore dismissal of his petition was improper. This charge

must be dismissed because it relates directly to the merits of a judge's ruling, and not even a ruling by either subject judge. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant's allegations against the district court clerk are dismissed because the misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Complainant's request to be exonerated and to learn the status of his habeas petition are not forms of relief available under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

DISMISSED.