

SEP 08 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 08-90207

**ORDER****KOZINSKI**, Chief Judge:

A misconduct complaint has been filed against a district judge. Complainant was a defendant in a criminal case over which the subject judge presided.

Complainant's allegations about the judge's rulings and the sentence the judge imposed relate directly to the merits of the judge's rulings and must therefore be dismissed. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the judge was biased against him, pointing to a number of the judge's statements and decisions as evidence. But a misconduct complaint is not a proper vehicle for challenging adverse decisions. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 430 (9th Cir. Jud. Council 2009). And a review of the trial transcripts does not reveal anything to suggest that the judge harbored bias or any other sentiment that would prevent a fair judgment in

this case. Because there is no evidence of misconduct, these charges must be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009); 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**