

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>JAMES BRADLEY HAAG,</b>	)	<b>07-CV-856 DLB HC</b>
	)	
<b>Petitioner,</b>	)	<b>ORDER CONCERNING</b>
	)	<b>COMPLAINT OF MISCONDUCT</b>
<b>v.</b>	)	
	)	<b>(Document #65)</b>
<b>JAMES E. TILTON, DIRECTOR OF</b>	)	
<b>CORRECTIONS,</b>	)	
	)	
<b>Respondent.</b>	)	

---

Petitioner James Bradley Haag, a state prisoner, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The action has been assigned to Magistrate Judge Dennis L. Beck because the parties consented to Magistrate Judge jurisdiction.

On July 11, 2009, Petitioner submitted to the court a document entitled "FORMAL COMPLAINT RE MAGISTRATE JUDGE DENNIS L. BECK." The document is addressed to the undersigned in his capacity as Chief District Court Judge for the Eastern District of California. The Clerk of the Court filed the judicial misconduct complaint in Petitioner's pending habeas corpus action.

Sections 351 through 363 of Title 28 provide the mechanism for filing complaints of misconduct against judges. Section 351(a) states that: "Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of

1 the courts, or alleging that such judge is unable to discharge all the duties of office by reason of  
2 mental or physical disability, may file with the clerk of the court of appeals for the circuit a  
3 written complaint containing a brief statement of the facts constituting such conduct.” 28  
4 U.S.C.A. § 351(a) The clerk of the court of appeals then transmits the complaint to the chief  
5 judge of the circuit. 28 U.S.C.A. § 351(c). The chief judge of the circuit then reviews the  
6 complaint and take appropriate action. 28 U.S.C.A. § 352.

7 Petitioner has addressed his misconduct complaint to the wrong court. Petitioner’s  
8 misconduct complaint should be addressed to the Chief Judge of the Ninth Circuit pursuant to  
9 28 U.S.C.A. § 351. As such, the court will strike the misconduct complaint from this action.  
10 The undersigned lacks the authority to resolve this complaint.

11 Accordingly, it is HEREBY ORDERED that Document #65, Petitioner’s formal  
12 complaint of misconduct, is STRUCK from the record. To the extent this misconduct complaint  
13 has been construed as a motion before the undersigned, the misconduct complaint is DENIED  
14 without prejudice to submitting the complaint in the Ninth Circuit.

15  
16 IT IS SO ORDERED.

17 **Dated:** July 29, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE