

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

MAY 09 2014

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

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| IN RE COMPLAINT OF JUDICIAL MISCONDUCT |
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No. 13-90004

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a district judge made various substantive and procedural errors in a civil case. These allegations relate 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 Rule 11(c)(1)(B).

Complainant also alleges that the judge was racially biased against plaintiffs and conspired with defendants to dismiss the case. Adverse rulings are not proof of bias or conspiracy, see In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009), and complainant provides no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support his allegations of bias or conspiracy, see In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). Without such evidence, these charges must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the district judge improperly delayed the case. A delay claim is not cognizable “unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Judicial-Conduct Rule 3(h)(3)(B). Because complainant provides no evidence of either, the charge is dismissed. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

DISMISSED.