

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 13 2013

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

<p style="text-align:center">IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 13-90043

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge made erroneous rulings in his 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 further alleges that the district judge improperly delayed another civil case. But delay 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); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). Complainant hasn’t provided any evidence that the alleged delay was habitual or improperly motivated. These charges must be dismissed because there is no evidence that misconduct occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.