

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

MAR 3 2015

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 14-90102

ORDER

THOMAS, Chief Judge:

A pro se litigant alleges that a district judge improperly delayed ruling on a motion to intervene in his civil case. Delay is not cognizable misconduct “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); see In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). Complainant has not provided any objective evidence that the alleged delay was habitual or improperly motivated. Because there is no evidence of misconduct, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). To the extent that complainant disagrees with the judge prioritizing her docket chronologically, this calls into question the correctness of the judge’s case management decisions, and is dismissed as merits-related. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

DISMISSED.