

FILED

AUG 20 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 14-90129 and 14-90143

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly granted an extension of time to an opposing party in one civil action and erroneously dismissed his complaint in another civil action. 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 next suggests that the district judge failed to fully disclose the nature of his relationship with complainant's opposing counsel. This allegation must be dismissed because complainant has presented no facts supporting it, and complainant has not identified anything improper in the district judge's actions. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that the district judge improperly delayed in ruling on a motion for leave to proceed in forma pauperis and subsequent requests

for a status update. An allegation of 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).

Complainant asserts that the judge’s delay in ruling on motions was in retaliation for another lawsuit complainant filed against state correctional officers.

Complainant offers no evidence to support this assertion nor any explanation of why the district judge would retaliate against him for pursuing such litigation.

Complainant provides no evidence of any other improper motive or habitual delay in unrelated cases. Accordingly, this allegation must be dismissed as unsupported.

See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that the district judge was otherwise biased against him, he has not provided any objectively verifiable evidence to support his allegations, which must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.