

**FILED**

MAY 19 2015

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 14-90152 and 15-90035

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that two district judges delayed ruling on motions in his underlying civil and habeas corpus proceedings.

Complainant offers no evidence that the alleged delay is based on improper motive, or that the judges have habitually delayed ruling in a significant number of unrelated cases, and accordingly these allegations must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009).

Complainant also contends that one judge “rearranged” and ruled on claims in the wrong order, and that the other judge incorrectly construed a motion. These allegations relate directly to the merits of the judges’ rulings and must 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).

Next, complainant alleges that both judges are biased against him. Adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that one judge has conspired to conceal fraud committed by state judges and attorneys by ruling against complainant in his underlying habeas corpus proceedings. Complainant also alleges that the subject judge appointed an attorney who went to the same college as the judge to represent complainant on appeal. Neither adverse rulings nor shared alma mater are evidence of conspiracy, and complainant offers no objectively verifiable proof to support his allegations of fraud or conspiracy. Because there is not sufficient evidence to raise an inference that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1147 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

**DISMISSED.**