

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 14-90153, 14-90180
and 15-90034

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that two district judges and a magistrate judge made various improper rulings in his underlying civil cases. 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).

Complainant alleges that one of the district judges should have recused himself because he presided over another inmate's civil case in which complainant appeared as a witness. Complainant raised this issue in the underlying proceedings, and the district judge found that there was no evidence complainant had in fact appeared as a witness, that the plaintiff in the separate case had voluntarily dismissed the action, and that complainant failed to show any conflict of interest. Complainant does not articulate any basis to find that the subject judge

had a disqualifying conflict of interest, and a review of the underlying record reveals none. Accordingly, this allegation is dismissed as merits-related and unfounded. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); In re Complaint of Judicial Misconduct, 570 F.3d 1144 (9th Cir. Jud. Council 2009)(“To the extent complainant...allege[s] that the judge should have recused himself...this allegation relates directly to the merits and must be dismissed”); Judicial-Conduct Rules 11(c)(1)(B), (D).

Complainant further alleges that the judges are biased, that they colluded with each other, and that one of the district judges falsified the record. In addition, complainant claims that the magistrate judge circumvents “well-established doctrines, court decorum and proper procedures,” and interjects personal opinions. Complainant’s allegations are entirely vague, speculative and conclusory, and are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009)(“complainant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the defendants in his civil action have interfered with his mail, and he believes that state and federal officers have had improper ex parte communications with each other. To the extent complainant

raises allegations against state officials or other parties who are not federal judges, these charges are dismissed as non-cognizable. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009) (“this complaint procedure applies only to federal judges”).

Finally, complainant alleges that one of the district judges engaged in “delayed, arbitrary decision making.” This charge is dismissed because complainant fails to show any habitual delay in a significant number of unrelated cases, or that any delay was improperly motivated. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009).

DISMISSED.