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APR 20 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90173

ORDER

THOMAS, Chief Judge:

Complainant, a pro se inmate, alleges that a district judge is biased against him, and has “surreptitiously favored” the defendants in complainant’s underlying civil case. Adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. 2009); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the district judge improperly suggested that the underlying civil action is untimely and misstated the number of claims raised. These allegations relate directly to the merits of the judge’s rulings and are 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).

Finally, complainant alleges that the district judge has unreasonably delayed ruling in a separate underlying 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).

Complainant has previously been warned that he may be restricted from filing further complaints. In re Complaint of Judicial Misconduct, No. 13-90125+, at 2–3 (citing Judicial-Conduct Rule 10(a)). Complainant is therefore ordered to show cause as to why he should not be sanctioned via an order requiring him to obtain leave before filing further misconduct complaints. See In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

Complainant has thirty-five days from the date of this order to file a response, which will be transmitted to the Judicial Council for consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.