

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**

No. 15-90067

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly delayed ruling in his habeas case. A review of the record indicates that the district judge has ruled on the habeas petition. Complainant offers no evidence that the alleged delay is based on improper motive, or that the district judge has habitually delayed ruling in a significant number of unrelated cases. Accordingly, this allegation must be dismissed. See In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 3(h)(3)(B).

Complainant alleges that the judge committed, and conspired with others to commit, acts of treason against the United States. He claims that the judge is trying to “cover up” the illegal actions of the state court, which he alleges allowed false evidence and perjury. However, adverse rulings alone are not evidence of treason or conspiracy, see In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011), and complainant provides no other evidence to support these very serious allegations, see In re Complaint of Judicial

Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009). Therefore, they must be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

Additionally, complainant alleges that the judge made improper rulings in his case, including failing to recuse. These charges relate directly to the merits of the judge's rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011)(holding that the decision not to recuse, absent evidence of an improper motive, is merits-related); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see also Judicial-Conduct Rule 11(c)(1)(B).

Complainant's allegations against the state judge and prosecutors must be dismissed because the misconduct complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 4.

Finally, complainant's "motion for 30 day time extension to file new judicial misconduct complaint" and "motion to take judicial notice" are denied as unnecessary.

DISMISSED.