

**FILED**

SEP 29 2015

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 15-90118

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge “senselessly” allowed his habeas case to continue before ultimately recommending that his petition was time barred. To the extent that complainant is alleging that the judge improperly delayed his case, he offers no evidence that the alleged delay is based on improper motive, or that the judge habitually delayed ruling in a significant number of unrelated cases. Accordingly, this charge 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). Any disagreement complainant has with the judge’s recommendation is merits-related and not cognizable in misconduct proceedings. 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).

**DISMISSED.**