

FILED

MAY 12 2016

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 16-90053

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge should have granted his motion for post-judgment relief in his habeas action. These allegations relate directly to the merits of the judge's 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 also alleges that the judge altered evidence and was involved in a scheme with state court judges who allegedly conspired to obstruct complainant's case. A review of the underlying record reveals no evidence of fraud or misconduct, and this allegation is dismissed as unfounded. 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).

Complainant further alleges that the judge has improperly delayed ruling on one of his motions for post-judgment relief. A review of the record indicates that

the district judge has ruled on the motion. Complainant offers no evidence that the alleged delay was 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).

DISMISSED.