

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**

Nos. 16-90057 and 16-90070

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that two district judges failed to exercise jurisdiction and made various other 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).

Next, complainant alleges that both judges arbitrarily and deliberately disregarded prevailing legal standards. Although a pattern and practice of disregarding controlling precedent may amount to misconduct, “a complainant must at a minimum allege that the rulings in question have been reversed[.]” In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011). Moreover, “a single reversal, or even a handful of reversals, doesn't prove misconduct The number of erroneous rulings must be large enough that it

could constitute a pattern.” Id. Complainant fails to make any such showing, and accordingly, these charges are 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 also alleges that both judges improperly delayed ruling. The record reflects that in each of the underlying cases, judgment was entered less than three months after those actions were initiated. In any event, complainant fails to show that any alleged delay was based on improper motive, or that the judges have habitually delayed ruling in a significant number of unrelated cases. Accordingly, these charges are 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).

Finally, complainant alleges that both judges acted hostile toward him. However, complainant offers no proof or specific factual statements to support these vague and conclusory allegations, which are 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).

DISMISSED.