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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. 17-90086

ORDER**THOMAS**, Chief Judge:

Complainant, a federal prisoner, alleges that the district judge presiding over his 28 U.S.C. § 2255 proceedings improperly issued a stay, denied a motion to lift the stay, denied release on bail, and made various other improper rulings in the underlying proceedings. 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 has improperly delayed making rulings, and improperly issued a stay for the purpose of delaying the case. A review of the record shows that the judge issued a stay pending the outcome of appellate decisions that remain pending. To the extent complaint disagrees that these appellate cases are on-point or warrant a stay in proceedings, his allegations are directly related to the merits of the judge's rulings and must be dismissed. See

id. Moreover, a review of the underlying docket reveals that the judge has timely ruled on motions, and that the case has proceeded in due course. Complainant offers no evidence that any alleged delay is based on improper motive, or that the district judge has habitually delayed ruling in a significant number of unrelated cases, and 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).

Finally, complainant alleges “disparate treatment” by the subject judge, noting that other judges in unrelated cases have granted or invited motions to lift stays, and that the subject judge invited a defendant in an unrelated case to file such a motion. The record shows that while the judge did not specifically invite complainant to file a motion to lift the stay, complainant, through counsel, did file such a motion, the judge ordered the government to respond, and the motion was granted in part. In any event, adverse rulings are not proof of bias, and complainant provides no objectively verifiable evidence of misconduct.

Accordingly, these allegations are dismissed as unfounded and for failure to allege conduct prejudicial to the effective and expeditious administration of the business of the courts. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 726 F.3d 1060, 1062 (9th Cir. Jud. Council 2013); In re Complaint of

Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct

Rules 11(c)(1)(A), (D).

DISMISSED.