

FILED

MAR 21 2018

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 18-90012, 18-90013,
18-90014, 18-90015 and
18-90016

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, submitted a misconduct complaint that did not include an adequate statement of facts or name any subject judges. The complaint was returned with instructions on how to correct these deficiencies. In response, complainant resubmitted his complaint and provided the names of four district judges and one magistrate judge, as well as a list of court dockets.

However, complainant's allegations remain unclear and largely unintelligible.

To the extent complainant alleges that the judges made improper rulings in the underlying proceedings, 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).

To the extent complainant alleges that any of the judges improperly delayed proceedings, he does not specify any particular delay, nor does he allege any

improper motive or habitual delay in a significant number of unrelated cases.

Accordingly, this allegation is dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231

(9th Cir. Jud. Council 2009) (“delay is not misconduct unless the allegation

concerns an improper motive . . . or habitual delay in a significant number of

unrelated cases Complainant provides no evidence of improper motive or

habitual delay”) (internal quotations omitted); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that the judges discriminated against him,

adverse rulings are not evidence of bias, and complainant offers no objectively

verifiable evidence to support this vague and conclusory allegation, which 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) (“adverse rulings

alone do not constitute proof of bias”); In re Complaint of Judicial Misconduct,

569 F.3d 1093 (9th Cir. Jud. Council 2009) (“claimant’s vague insinuations do not

provide the kind of objectively verifiable proof that we require”); Judicial-

Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that a court clerk refused to forward a

letter to Congress, or that prison staff improperly opened his mail, these

allegations are dismissed as non-cognizable because this misconduct procedure

applies only to federal judges. See In re Complaint of Judicial Misconduct, 632

F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.