

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**

No. 18-90020

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge improperly denied hearings, made improper discovery rulings, and made various other improper rulings in the underlying civil case. 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 failed to rule on a motion to recuse. A review of the underlying record indicates that the judge has in fact ruled on the motion. Moreover, to the extent complainant alleges that the judge improperly delayed ruling on the motion, he fails to show or allege any improper motive or any substantial delay 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) ("delay

is not misconduct ‘unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases’’).

Finally, complainant alleges that the judge favors and has conspired with opposing counsel. However, adverse rulings are not evidence of bias or conspiracy, and complainant offers no objectively verifiable evidence to support these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. 2011) (“[A]dverse rulings do not prove bias or conspiracy Because complainant presented no evidence to support these allegations, they must be dismissed”); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.