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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 09-90064

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a magistrate judge made various improper substantive and procedural rulings in two of his civil rights cases. But challenges to a judge's rulings are not cognizable in a misconduct proceeding. These charges are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against him and favored the defendants. But adverse rulings do not constitute proof of bias and complainant has provided no other evidence. Because no misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant further alleges that the judge unduly delayed ruling on two

motions. Delay is not cognizable “unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Judicial-Conduct Rule 3(h)(3)(B). Complainant provides no evidence of either improper motive or habitual delay, so these charges must be dismissed. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

Complainant also alleges that the judge failed to rule on one of his motions altogether. The docket reveals that the judge timely ruled on the motion after this misconduct complaint was filed. Intervening events thus make action on this charge unnecessary. See 28 U.S.C. § 352(b)(2).

Finally, complainant’s request that the judge be recused from his cases is not cognizable under the misconduct complaint procedure and must therefore be dismissed. See Judicial-Conduct Rule 3(h).

DISMISSED.