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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. 10-90017

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a district judge made various improper substantive and procedural rulings in his civil case. These charges relate directly to the merits of the judge's rulings and must therefore be 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 had improper ex parte communications, conspired with defendant to "physically injure" or even kill complainant, and "improperly used his office to accept bribes and provide special treatment to the defendant's lawyer[.]" But complainant has provided no proof to support these allegations. Adverse rulings alone do not prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). These charges therefore must be dismissed for lack of evidence that misconduct occurred. 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. 2009).

Complainant further claims that the subject judge improperly delayed ruling on complainant's motions. The docket reveals that the judge ruled on his motions within a reasonable amount of time. In any event, delay isn't 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); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). Complainant alleges that the judge had improper motive but provides no evidence to support this allegation, nor does he charge habitual delay. Without evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant's request to have the Attorney General intervene is not cognizable under the misconduct complaint procedure. See 28 U.S.C. § 354(a).

Complainant previously filed five misconduct complaints that were dismissed for their conclusory and merits-related allegations. Complainant is cautioned that if he files "repetitive, harassing, or frivolous complaints," or otherwise "abuse[s] the complaint procedure," he "may be restricted from filing further complaints." Judicial-Conduct Rule 10(a); see In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

DISMISSED.