

APR 07 2011

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 10-90061, 10-90062 and
10-90063

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a magistrate judge made various errors in handling his habeas petition, and that two district judges failed to intervene to correct those mistakes. He alleges that one of the district judges also incorrectly dismissed his misconduct complaint as lodged in the wrong court. These charges are dismissed as merits-related. 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 the magistrate judge was biased against him, caused improper delays in his case and knowingly ignored criminal activity. But complainant points to no proof to support any of these claims other than the judge's adverse rulings. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009). Nor does complainant provide proof that one of the district judges improperly delayed ruling on his motions. See In re Complaint of

Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). These charges are therefore dismissed for lack of evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

The exhibits attached to the original complaint were reviewed only to the extent they were specifically referenced in complainant's statement of facts. See In re Complaint of Judicial Misconduct, 630 F.3d 968, 969–70 (9th Cir. 2010).

Complainant submitted five supplements to his complaint, but he doesn't point to anything specific in the new exhibits to support his allegations of misconduct. See id.; In re Complaint of Judicial Misconduct, Nos. 09-00005+, 2011 WL 206174, at *1 (9th Cir. Jan. 24, 2011).

DISMISSED.