

MAR 02 2011

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

IN RE COMPLAINT OF  JUDICIAL MISCONDUCT
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No. 10-90131

**ORDER****KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge “continue[d] to delay . . . judicial proceedings” in his civil rights case. But 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). Because complainant doesn’t allege that the delay was habitual or improperly motivated, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

Complainant further alleges that the judge failed “to perform his on-bench duties to comply with the law and act in a manner that promotes public confidence in the integrity of the judiciary.” Complainant offers no evidence to support this vague allegation, so it must also be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009).

**DISMISSED.**