

JUL 27 2011

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

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

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

Nos. 11-90061 and 11-90062

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a district judge unduly delayed rulings in his two habeas cases. The judge ruled on both habeas petitions shortly after they were fully briefed, and ruled on a motion for reconsideration within six months. This charge is “conclusively refuted by objective evidence.” 28 U.S.C. § 352(b)(1)(B); see also Judicial-Conduct Rule 3(h)(3)(B).

Complainant also alleges that the magistrate judge who recommended that his habeas petition be denied was biased. Adverse rulings are not sufficient to prove bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant has presented no evidence to support this allegation, it 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).

DISMISSED.