

AUG 03 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90088

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a district judge demonstrated bias in his civil case by ruling against him. We've repeatedly held that adverse rulings aren't proof of bias. Because complainant offers no other evidence to support his bias claims, these charges must be dismissed. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge delayed ruling on several motions and refused to rule on a request for a subpoena. But 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); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009). Complainant hasn't provided any objective evidence that the alleged delay was habitual or improperly motivated. Instead, the

docket reveals that the judge ruled on complainant's motions within a reasonable time and resolved his subpoena request. Because there is no evidence of misconduct, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.