

OCT 25 2011

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

No. 11-90101

ORDER**KOZINSKI**, Chief Judge:

A pro se prisoner alleges that a magistrate judge delayed rulings in his civil cases. 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 provides no evidence of improper motive or habitual delay, the charges are dismissed. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

DISMISSED.