

FILED

MAR 16 2012

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90176

ORDER

KOZINSKI, Chief Judge:

A pro se prisoner alleges that a district judge unduly delayed ruling on his motions. Delay is not cognizable as misconduct “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 provides no evidence of an improper motive, nor does he allege habitual delay. Further, the docket reveals that the judge promptly resolved complainant’s motions after becoming aware that they were still pending. Therefore, this charge must be dismissed.

DISMISSED.