

MAR 27 2013

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

No. 12-90075

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

A pro se litigant alleges that a district judge delayed ruling on her civil case. 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.” In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009); Judicial-Conduct Rule 3(h)(3)(B). Complainant hasn’t provided any evidence that the alleged delay was habitual or improperly motivated. These charges must be dismissed because there is no evidence that misconduct occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further claims the judge engaged in ex parte communications with the defendants and an attorney, but provides no objectively verifiable proof to support this allegation. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009). This charge must be dismissed because there is no evidence of any misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct

Rule 11(c)(1)(D).

**DISMISSED.**