

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

NOV 17 2014

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 13-90139

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that a district judge erred in dismissing her case, but these allegations relate directly to the merits of the judge’s rulings and are therefore dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the district judge did not handle the matter quickly enough given the complainant’s medical issues. But an allegation of 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). Because complainant doesn’t provide evidence of either improper motive or habitual delay, this allegation must also be dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir.

Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii).

DISMISSED.