

FILED

JUL 15 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90131

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge improperly delayed screening the complaint in his civil case. Any 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 does not provide evidence of either improper motive or habitual delay, this allegation must be dismissed as unsupported. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D). Further, a review of the docket shows that complainant’s fourth amended complaint had been pending less than two months from the date complainant submitted the misconduct complaint, and that the case has since been transferred to another district and dismissed with prejudice.

Complainant further alleges that the magistrate judge has “sided with” the defendant. However, adverse rulings do not prove bias, and because complainant offers no other evidence to support his bias claims, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 631 F.3d 961, 963 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also challenges the magistrate judge’s denial of a request for service of summons, and an order striking a document filed by complainant. These allegations must be dismissed because they relate directly to the merits of the judge’s rulings. 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).

DISMISSED.