

AUG 28 2015

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

Nos. 15-90038 and 15-90099

ORDER**PREGERSON**, Circuit Judge¹:

Complainant, a pro se litigant, alleges that a magistrate judge has improperly delayed ruling on a motion to dismiss in his social security benefits case. He also alleges that a circuit judge improperly delayed resolution of his complaint against the magistrate judge. Complainant offers no evidence that the alleged delay is based on improper motive, or that either judge has habitually delayed ruling in a significant number of unrelated cases. Accordingly, these allegations must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

Complainant further alleges that both judges are biased and have discriminated against him on ethnic and religious grounds. He claims that the

¹This complaint was assigned to Circuit Judge Harry Pregerson pursuant to 28 U.S.C. § 351(c).

judges have committed treason, engaged in partisan politics, and have conspired with defendant to delay his cases. Complainant offers no objectively verifiable evidence to support these serious claims, which are dismissed as frivolous and unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(C), (D).

Complainant's second misconduct complaint contains abusive language. Complainant is cautioned that a "complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints." Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146 (9th Cir. Jud. Council 2009).

DISMISSED.