

FILED

OCT 13 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90115

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge might not have written the report and recommendation himself in complainant's habeas case, and instead may have had the respondent draft the document. To support this allegation, he claims that the magistrate judge's facts and conclusions align too closely with the respondent's assertions. This charge is dismissed because it lacks any evidence to raise an inference of misconduct. See 28 U.S.C.

§ 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Any disagreement complainant has with the judge's recommendation is merits-related and not cognizable in misconduct proceedings. 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.