

FILED

OCT 23 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90130

ORDER

THOMAS, Chief Judge:

Complainant alleges that a district judge improperly delayed ruling on his application to proceed in forma pauperis. A review of the record shows that the judge did not delay in considering the motion and has now ruled on the motion. In any event, complainant offers no evidence that the alleged delay was based on improper motive, or that the judge has habitually delayed ruling in a significant number of unrelated cases, and accordingly this charge must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009).

To the extent complainant alleges that the judge improperly denied a motion to recuse, complainant offers no evidence that the judge failed to recuse for an improper purpose, so this charge must be dismissed as merits-related. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(B).

DISMISSED.