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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 15-90146

ORDER

PREGERSON, Circuit Judge¹:

Complainant, a pro se prisoner, filed fourteen misconduct complaints naming over 40 judges of this Circuit that were involved in his civil cases and related appeals. He alleges that the judges deprived his due process by making various improper rulings, including not allowing him to proceed in forma pauperis. These charges relate directly to the merits of the judges' 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).

Citing only adverse rulings as evidence, complainant further alleges that the judges were biased and retaliated against him, and that the entire Ninth Circuit has a custom of discriminating against pro se prisoners. However, adverse rulings are

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

not proof of bias or retaliation, so these charges are dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that certain judges willfully delayed his cases. But delay is not 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); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009). Because complainant provides no evidence of improper motive or habitual delay, this charge is dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Several of the judges that complaint names in his misconduct complaints have resigned, retired, or passed away, and so the allegations against those judges are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

Complainant’s allegations that court staff made docketing errors are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

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.