

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

MAY 12 2016

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

<p>IN RE COMPLAINT OF JUDICIAL MISCONDUCT</p>
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No. 16-90075

ORDER

THOMAS, Chief Judge:

A pro se prisoner alleges that a magistrate judge is possibly involved with an alleged “criminal gang” consisting of the correctional officers who are defendants in complainant’s civil cases. Complainant claims that the judge is colluding with those defendants by not reporting their conduct, as spelled out in complainant’s civil rights complaints, to the proper authorities. However, adverse rulings are not proof of conspiracy, see In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009), and complainant provides no objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009). Without such evidence, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge has delayed screening his complaint in one of his civil cases. Complainant offers no evidence that the alleged delay is

based on improper motive, or that the magistrate judge has habitually delayed ruling in a significant number of unrelated cases. Further, the record belies this allegation. Accordingly, this allegation must be dismissed as unfounded. See In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 3(h)(3)(B).

DISMISSED.