JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF	Nos. 16-90122 and 16-90123
JUDICIAL MISCONDUCT	**ORDER**

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that two magistrate judges failed to act upon his filings in his civil and habeas cases. The record shows that two months after filing his civil complaint, complainant filed a "motion" that one of the magistrate judges construed as request for voluntary dismissal. The judge granted the request, and complainant did not appeal. The same magistrate judge recommended that complainant's habeas case be dismissed based on abstention principles, and a district judge adopted that recommendation and dismissed the case. The second named magistrate judge was not assigned to and made no rulings in either case. These charges are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that the judges improperly handled his case, these allegations relate directly to the merits of the judges' rulings and must

be 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).

The remainder of complainant's statement of facts is nonsensical and

contains no specific allegations against either judge. "Under our rules, a judicial

misconduct complaint 'must contain a concise statement that details the specific

facts on which the claim of misconduct or disability is based.'" In re Complaint of

Judicial Misconduct, 630 F.3d 968, 968–69 (9th Cir. Jud. Council 2010). Because

complainant's statement of facts does not include a concise statement detailing his

allegations of misconduct against either named judge, the remainder of the

complaint is dismissed for failure to conform. See 28 U.S.C. § 352(b)(1)(A)(i);

Judicial-Conduct Rule 6(b)).

DISMISSED.