

**FILED**

DEC 5 2016

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 16-90149

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se inmate, alleges that a magistrate judge improperly presided over his habeas proceedings without jurisdiction and improperly denied his claims. A review of the record indicates that complainant consented to proceed before a magistrate judge and that the case was reassigned to the subject judge after complainant's habeas petition was denied. The subject judge denied complainant's post-judgment motions for lack of jurisdiction because complainant had already filed a notice of appeal. Complainant's allegations relate directly to the merits of the judge's rulings, are conclusively refuted by objective evidence, and are dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii), (B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also alleges that the "stationery color and format" of the judge's rulings do not conform to the color and format of previous rulings by the

court. Complainant fails to allege any conduct “prejudicial to the effective and expeditious administration of the business of the courts,” and accordingly these charges are dismissed. See In re Complaint of Judicial Misconduct, 726 F.3d 1060, 1062 (9th Cir. Jud. Council 2013) (“Because complainant’s charges wouldn’t constitute misconduct even if true, the complaint is dismissed as groundless”); Judicial-Conduct Rule 11(c)(1)(A).

**DISMISSED.**