

FILED

JAN 20 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 16-90167, 16-90168,
16-90169, 16-90170, 16-90171,
16-90172 and 16-90173

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against two magistrate judges, two district judges and three circuit judges.

Complainant alleges that the judges made improper rulings in his civil case and on appeal, and that one district judge failed to recuse. 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 Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011) (holding that the decision not to recuse, absent evidence of an improper motive, is merits-related); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); see also Judicial-Conduct Rule 11(c)(1)(B).

Complainant further alleges that the magistrate judges and district judges have improperly delayed his case. Complainant offers no evidence that the alleged delay is based on improper motive, or that any of the subject judges have

habitually delayed ruling in a significant number of unrelated cases. Accordingly, this allegation must be dismissed. See In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 3(h)(3)(B).

Complainant also alleges that the judges are biased against pro se prisoners. However, adverse rulings alone are not evidence of bias. See In re Complaint of Judicial Misconduct, 631 F.3d 961, 962–63 (9th Cir. Jud. Council 2011). Because complainant provides no evidence to support these allegations, they are dismissed as unsupported. See Judicial-Conduct Rule 11(c)(1)(D); see also 28 U.S.C. § 352(b)(1)(A)(iii).

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.