

FILED

MAR 2 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 17-90015 and 17-90016

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, alleges that a magistrate judge improperly recommended dismissing his civil complaint, that a district judge improperly adopted that recommendation, and that both judges made various other improper rulings in the underlying 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).

Complainant also alleges that the judges improperly delayed ruling. A review of the record shows that the magistrate judge issued findings and recommendations approximately one month after the complaint was filed. Complainant then filed objections, as well as three addenda to his objections and a motion to appoint counsel, and the district judge entered judgment nine days later. Complainant fails to show any undue delay, much less that any alleged delay was

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

To the extent complainant raises allegations against a courtroom deputy clerk, these allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.