

FILED

MAY 9 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90018

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, alleges that a district judge improperly appointed counsel, made errors during sentencing, and made various other improper rulings in the underlying case. These allegations relate directly to the merits of the judge’s 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 judge has improperly “wayla[id] in rendering a decision or ruling for more than 26 months.” A review of the record shows that all pending motions have been ruled on, and judgment has been entered in the underlying case. Moreover, complainant offers no evidence that any delay was based on improper motive, or that the district judge has habitually delayed ruling in a significant number of unrelated cases. Accordingly, this charge is

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).

Finally, complainant alleges that the judge is biased against complainant based on the judge's religious beliefs. Adverse rulings, standing alone, are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.