

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**

Nos. 17-90027, 17-90028,
17-90029 and 17-90030

ORDER

THOMAS, Chief Judge:

A pro se prisoner alleges that two district judges and two magistrate judges made improper rulings in two of his civil cases, including allowing the magistrate judges to make rulings without his consent. Although a magistrate judge is restricted from issuing dispositive orders, the docket shows that neither magistrate judge made any dispositive rulings in his cases. See 28 U.S.C. § 636(b)(1). To the extent that complainant disagreed with the judges' orders, the charges relate directly to the merits of the judges' rulings and must therefore 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 further alleges that the judges improperly delayed processing his cases. A review of the record indicates that both cases are being handled in due course. Complainant offers no evidence that the alleged delay was based on improper motive, or that the judges habitually delayed ruling in a significant

number of unrelated cases. Accordingly, these allegations 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 one of the judges was biased against him. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which must be dismissed. 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).

In a previous order, complainant was 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.” See In re Complaint of Judicial Misconduct, No. 13-90095+. Accordingly, complainant is ordered to show cause why he should not be sanctioned by a restrictive filing order. See Judicial-Conduct Rule 10(a); In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.