

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. 17-90045

ORDER

THOMAS, Chief Judge:

Complainant alleges that a magistrate judge improperly granted respondent's requests for enlargements of time and made other improper rulings in his habeas 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 alleges that magistrate judge's rulings demonstrated bias in favor of the respondents. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support this allegation, 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).

Complainant further alleges that the judge delayed the case, but offers no evidence that the alleged delay was based on improper motive, or that the judge has 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).

DISMISSED.