

FILED

SEP 28 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90071

ORDER

THOMAS, Chief Judge:

Complainant filed a complaint of judicial misconduct on behalf of a habeas corpus petitioner. Complainant alleges that a district judge has delayed ruling on the petition, which was filed in May of 2017. Complainant 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).

Complainant further alleges that the judge is biased against pro se filers, because “boilerplate” reports and recommendations are issued that “invariably” result in cases being dismissed. 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).

DISMISSED.