

FILED

NOV 16 2017

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 17-90104 and 17-90105

ORDER

THOMAS, Chief Judge:

Complainant, a prisoner, alleges that a district judge and a magistrate judge misapplied case law and ignored relevant precedent to render erroneous rulings in his civil 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 further alleges that the magistrate judge improperly delayed ruling in two of his civil cases in order to “sabotage” his cases. A review of the docket demonstrates that the cases proceeded in due course. Complainant offers no evidence that the alleged delay is 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.