

DEC 13 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 17-90109

ORDER**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, alleges that a magistrate judge has made improper rulings in two of her civil cases and in a 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 further alleges that the judge intentionally distorted her claims, and is a “con artist” and a “liar.” Adverse rulings are not evidence of fraud, 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, 838 F.3d 1030 (9th Cir. 2016) (“Adverse rulings are not proof of bias or fraud”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also claims that judge’s rulings have caused undue delay. 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. A review of the record demonstrates that the case has proceeded in due course. 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).

Finally, complainant alleges that she did not receive some mailings from the court. The judge addressed these concerns in a recent minute entry, advising that there had been an inadvertent clerical mistake. The judge confirmed that the orders had been served on complainant, and that deadlines had been extended to assure that complainant was not prejudiced by the error. To the extent complainant raises allegations against court personnel, such allegations are dismissed because this misconduct complaint procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 4.

DISMISSED.