

FEB 7 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 18-90008

ORDER**THOMAS**, Chief Judge:

Complainant, a prisoner, alleges that a district judge delayed ruling on a motion to change venue. Delay is not cognizable misconduct “unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.” Judicial-Conduct Rule 3(h)(3)(B); see In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009). A review of the docket demonstrates that the motion has been resolved. Further, complainant has not provided any objective evidence that the alleged delay is habitual or improperly motivated. Because there is no evidence of misconduct, this charge must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant further alleges that the judge is biased against him. However, adverse decisions do not prove bias, 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, 650 F.3d 1370, 1371 (9th Cir. 2011) (“adverse rulings do not prove bias or conspiracy”); Judicial-Conduct Rule 11(c)(1)(D). To the extent that complainant alleges that the judge made improper rulings, any disagreement complainant has with the judge’s decisions is merits-related and is not cognizable in misconduct proceedings. 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).

DISMISSED.