

AUG 20 2008

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

IN RE COMPLAINT OF JUDICIAL MISCONDUCT

No. 07-89110

ORDER**KOZINSKI**, Chief Judge:

A complaint of misconduct has been filed against a magistrate judge. Complainant, a pro se prisoner, disputes the judge's rulings, but a misconduct complaint is not the proper vehicle for such a challenge. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); 28 U.S.C. § 352(b)(1)(A)(ii); Misconduct Rule 4(c)(1).

Complainant further claims that the judge was biased against him, but he fails to provide any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) supporting his allegations of bias, improper motive, obstruction, conspiracy and perjury. Conclusory accusations that are wholly unsupported, as here, will be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

Complainant's allegation that the judge has not acted on a motion to transfer also does not support a charge of misconduct. Delay does not amount to

misconduct unless the circumstances are extraordinary, such as “where the delay is habitual, is improperly motivated or is the product of improper animus or prejudice toward a particular litigant, or, possibly, where the delay is of such an extraordinary or egregious character as to constitute a clear dereliction of judicial responsibilities.” Commentary on Misconduct Rule 1. Such is not the case here.

DISMISSED.