

APR 01 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**Nos. 08-90046, 08-90047,
08-90048 and 08-90049**ORDER****KOZINSKI**, Chief Judge:

Four identical misconduct complaints have been filed against four district judges. Complainants, pro se prisoners, filed habeas petitions in district court. The subject judges were assigned to those matters.

Complainants allege that the judges unduly delayed consideration of their petitions. Delay is not cognizable “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). Complainants provide no evidence of improper motive or habitual delay here. Nor was any delay extraordinary; a review of the docket in each case discloses that the judges ruled on complainants’ outstanding motions and transferred the cases to another district within four months after the petitions were filed.

Complainants also claim that the alleged delay shows that the judges were biased against them. But complainants haven’t provided any objectively verifiable

proof (for example, names of witnesses, recorded documents or transcripts) to support their allegations of bias. Because there is no evidence to raise an inference that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.