

in forma pauperis. On March 20, 2015, prior to any further action by the district court, complainant filed a notice of appeal, and his appeal is pending in the court of appeals.

In his judicial complaint, complainant alleges that the district judge is required to rule on his objections and that, in his view of the law, the district judge must rule on objections within 14 days. Complainant alleges that he is being deprived of fair access to the courts.

The Judicial Conduct and Disability Act excludes from its coverage allegations that are "[d]irectly related to the merits of a decision or procedural ruling." 28 U.S.C. § 352(b)(1)(A)(ii). An allegation of delay in rendering a decision 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."¹ Rule 3(h)(3)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Any claim of improper motive or habitual delay must be supported by "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii)

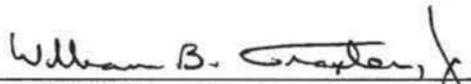
Complainant's allegation is that, under his view of the law, the judge was required to rule on his objections within 14

¹ Allegations of delay in a single case are considered merits-related because they challenge the priority assigned by the judge to deciding a particular case.

days. The complaint fails to make any showing of the improper motive or habitual delay necessary to support a claim of misconduct.

Accordingly, this judicial complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge