

in forma pauperis. On March 18, 2015, complainant appealed the magistrate judge's order to the court of appeals. The court of appeals dismissed complainant's appeal on May 21, 2015, and issued its mandate returning jurisdiction to the district court on June 12, 2015. The opinion noted that complainant's objections to the magistrate judge's determination are currently pending in the district court.

In his judicial complaint, complainant alleges that the district judge's delay in ruling on his objections to the denial of his motion to proceed in forma pauperis is excessive. The record reflects, however, that complainant's case was pending on appeal to the court of appeals during most of the alleged period of delay, and that the court of appeals only recently issued its mandate.

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."*

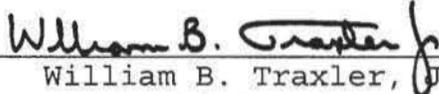
* Allegations of delay in a single case are considered merits-related because they challenge the priority assigned by the judge to deciding a particular case.

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)

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