

with the judge since June 2014 and that efforts to move the case forward have been unsuccessful.²

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."³ 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 has offered no evidence in support of the bare allegation that the judge delayed the case based on bias against complainant. Complainant also has presented no evidence of habitual delay on the part of the judge. Absent such evidence, complainant's allegation of unreasonable delay is a merits-

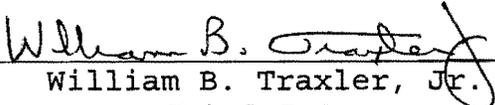
² The judge issued a final decision shortly after the filing of this judicial complaint.

³ 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.

related claim that is not subject to review through a misconduct proceeding.

Accordingly, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) as merits-related and lacking in factual support.

IT IS SO ORDERED.



William B. Traxler, Jr.
Chief Judge