

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

JUL 14 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90059

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a district judge. Review of this complaint is governed by the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“Judicial-Conduct Rules”), the federal statutes addressing judicial conduct and disability, 28 U.S.C. § 351 *et seq.*, and relevant prior decisions of the Ninth Circuit Judicial Council. In accordance with these authorities, the name of complainant and the subject judge shall not be disclosed in this order. *See* Judicial-Conduct Rule 11(g)(2).

The Judicial Conduct and Disability Act provides a remedy if a federal judge “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). A chief judge may dismiss a complaint if, following review, he or she finds it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, or is frivolous or lacks sufficient evidence to raise an inference of misconduct. *See* 28

U.S.C. § 352(b)(1)(A)(i)-(iii). Judicial misconduct proceedings are not a substitute for the normal appellate review process and may not be used to seek reversal of a judge's decision, to obtain a new trial, or to request reassignment to a different judge.

Complainant alleges that the district judge committed misconduct by improperly denying his motion to waive discovery at a May 2025 hearing. The record contradicts complainant's allegation. The record indicates that the district judge did not address complainant's motion to waive discovery until June 2025, at which time the district judge granted the motion to waive discovery. Therefore, complainant's allegation is dismissed as unfounded and belied by the record. *See* 28 U.S.C. § 352(b)(1)(A)(iii) (listing reasons the chief judge may decide to dismiss the complaint, including claims that are lacking sufficient evidence to raise an inference that misconduct has occurred); Judicial-Conduct Rule 11(c)(1)(D).

Complainant then alleges that the district judge "falsely claimed" that complainant failed to appear at the May hearing. The record indicates that the complainant did not appear at the May hearing, and that complainant actually provided written notice to the court that he had no intention of appearing. Therefore, this allegation is also dismissed as unfounded. *See id.*

Finally, complainant alleges that the district judge improperly extended deadlines for defendants, enforced procedural burdens only on complainant, suppressed complainant's motions, and "distort[ed] the calendar." A review of the record does not support any of these conclusory allegations, and complainant does not present any substantive evidence supporting his claims. Therefore, these allegations are dismissed as unfounded. *See id.*

DISMISSED.