

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FEB 5 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 25-90128, 25-90129

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against two district judges. 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 names of the complainant and the subject judges 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 has filed numerous civil cases against various defendants in the district court over the past decade. The first district judge self-recused from one of complainant's cases, due to a conflict presented with one of the defendants, so that case was reassigned to the second district judge. The first district judge has continued to preside over complainant's other cases.

Complainant alleges that the first district judge may harbor bias or suffer from a conflict of interest and should be recused from all of complainant's cases. This allegation is dismissed because "[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Judicial-Conduct Rule 4(b)(1). *See also* 28 U.S.C. § 352(b)(1)(A)(ii) (listing reasons the chief judge may decide to dismiss the complaint, including that claims are directly related to the merits of a decision); *In re Complaint of Judicial Misconduct*, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (dismissing as merits-related allegations that a judge made various improper rulings in a case); Judicial-Conduct Rule 11(c)(1)(B). The allegation is further

dismissed as unfounded because complainant provides no objectively verifiable evidence to support an allegation of bias or conflict, beyond his own conclusory statements. *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); *In re Complaint of Judicial Misconduct*, 569 F.3d 1093 (9th Cir. Jud. Council 2009) (“claimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Next, complainant alleges that the first district judge has repeatedly denied his applications for in forma pauperis (IFP) status. Although he refers to the “systemic denial” of his “IFP rights,” he only provided one of his case numbers to support this allegation. A review of the record, however, demonstrates that the first district judge granted complainant IFP status in the cited case, as well as in other cases. Accordingly, this allegation is denied as belied by the record. To the extent complainant challenges the judge’s rulings or handling of his IFP applications, such allegations are dismissed because they relate directly to the merits of the judge’s decisions. *See* Judicial-Conduct Rule 11(c)(1)(B).

Complainant next alleges that both district judges have engaged in “judicial retaliation” by dismissing cases and filings without sufficient analysis of his

claims. However, adverse rulings are not proof of bias or retaliation. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Accordingly, this allegation is dismissed as unfounded and as an impermissible challenge to the merits of the judges' decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

Finally, complainant's grievance against the court clerk is also dismissed because the Judicial-Conduct Rules apply only to "covered" judges. *See* Judicial-Conduct Rule 1.

DISMISSED.