

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

APR 2 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 25-90169, 26-90000,
26-90001, 26-90002, 26-90003,
26-90004, 26-90005, 26-90015,
26-90016, 26-90017, 26-90026,
26-90059, 26-90060

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against four district judges, eight circuit judges, and one magistrate 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 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.

Overview

Complainant is a prisoner, convicted of federal crimes. Before trial, he sought relief for a variety of alleged errors related to his criminal proceedings, including his treatment in pretrial detention, determinations regarding his competency, and the denial of his motion to disqualify the trial judge. After he was convicted, complainant filed a direct appeal and other post-conviction petitions and motions. He also appealed the denial of the post-conviction matters.

This order addresses six separate complaints, raising many substantially similar allegations against thirteen subject judges who have handled various aspects of his conviction and sentence, or his post-conviction matters.

Complaint Number 25-90169

The first complaint involves the district judge who presided over complainant's criminal trial ("the trial judge"). Although complainant previously

filed a complaint of judicial misconduct against the trial judge in 2023 (complaint number 23-90146), this complaint raises new allegations.

As background, before trial, one of the government's witnesses disclosed that his father knew the trial judge. The trial judge explained that he had a professional and social relationship with the witness' father and had met the witness as a child. The trial judge acknowledged that, although nearly 20 years had passed without the trial judge having contact with either the witness or his father, the trial judge had seen them both briefly a few years before complainant's prosecution. The trial judge found no basis for recusal and expressed no hesitation in critically evaluating the witness' credibility. The trial judge encouraged complainant to file a recusal motion if he believed it was warranted.

Complainant did file such a motion, which the trial judge denied, finding that the circumstances would "not impact its ability to be impartial in this case." Following his conviction, complainant filed another motion to disqualify the trial judge. The second motion to disqualify the trial judge was referred to a different district judge, who denied it after concluding that "the trial court properly evaluated" the circumstances and that the trial judge's impartiality could not reasonably be questioned.

Before trial, complainant filed a motion to suppress certain evidence. The

same witness whose father had known the trial judge testified during the suppression hearing. Although complainant alleges that the witness lied while testifying, the trial judge found the witness' testimony credible. Complainant argues that this credibility finding constitutes "special treatment" for the witness.

Complainant alleges that the trial judge had a conflict of interest, was not impartial, and "hand picked" complainant's case "to protect his friend." These concerns were reviewed by the trial judge and another district judge who determined that they were without merit. Complainant has failed to establish that the trial judge was compromised in any way. Because complainant provides no objectively verifiable evidence to support these allegations of bias, they are dismissed as unfounded. *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).

To the extent complainant is challenging the trial judge's credibility findings, evidentiary rulings, or the denial of complainant's motion to disqualify, those allegations are dismissed because they relate to the merits of the trial judge's

decisions. “Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related. The phrase ‘decision or procedural ruling’ is not limited to rulings issued in deciding Article III cases or controversies.” Commentary on Rule 4. *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 or procedural ruling); *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).

Next, complainant alleges that the trial judge fell asleep during trial and therefore suffers from a disability. Complainant previously raised this claim in the post-conviction motion to disqualify the trial judge. The district judge who handled that matter conducted an evidentiary hearing, in which complainant and the prosecutor testified. Complainant’s description of the event was vague, and the prosecutor “vehemently denied” seeing the trial judge asleep or shouting to wake the trial judge, as complainant had alleged. No evidence of this event could be found during a detailed review of the record. Accordingly, the allegation is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that the trial judge “had an ex parte sidebar

communication” that resulted in an erroneous jury instruction. Although the ex parte communication allegation is raised for the first time here, this instruction was challenged on direct appeal. The three circuit judges who heard the appeal concluded that, even if the instruction was given in error, any error was harmless. Moreover, a detailed review of the record did not reveal any improper ex parte communication. To the extent complainant alleges that the trial judge committed misconduct by engaging in improper ex parte communication, the allegation is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D). To the extent complainant alleges that the trial judge committed misconduct by giving the instruction, the allegation is dismissed as an impermissible challenge to the merits of the judge’s decision. *See* Judicial-Conduct Rule 11(c)(1)(B).

Complaint Numbers 26-90000, 26-90001, 26-90002

This complaint is against the three circuit judges who were assigned to hear the direct appeal of complainant’s conviction (“direct appeal panel”). Complainant alleges, without support, that the direct appeal panel affirmed his conviction for the purpose of protecting the trial judge. However, adverse rulings are not proof of bias or conspiracy. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). He also asserts that the direct appeal panel failed to disclose their bias and conflicts of interest. Because complainant provides no

objectively verifiable evidence to support these allegations, they are dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the direct appeal panel disregarded Supreme Court and Ninth Circuit precedent and applied the wrong standard of review. This allegation is dismissed because it relates to the judges' decisions, including their determination of applicable law. *See* Judicial-Conduct Rule 11(c)(1)(B).

Complainant alleges, without support, that the direct appeal panel denied his petition for rehearing in retaliation for complainant filing the 2023 complaint of judicial misconduct against the trial judge. To the extent complainant alleges that the direct appeal panel committed misconduct by retaliating against him, the allegation is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D). To the extent complainant alleges that the direct appeal panel committed misconduct by denying his petition, the allegation is dismissed as an impermissible challenge to the merits of the judges' decision. *See* Judicial-Conduct Rule 11(c)(1)(B).

Next, complainant alleges that the direct appeal panel committed misconduct by denying his request for counsel. A review of the record demonstrates that complainant was represented by appointed counsel throughout his appeal. Accordingly, this allegation is dismissed because it is belied by the record.

Finally, complainant alleges that the direct appeal panel discriminated

against him on the basis of his nationality. Because complainant provides no objectively verifiable evidence to support this allegation, it is dismissed as unfounded and without merit. *See* Judicial-Conduct Rule 11(c)(1)(D).

Complaint Numbers 26-90003, 26-90004, 26-90005

This complaint is against the three circuit judges who were assigned to hear the appeal of the trial judge's decision to deny complainant bail ("the bail appeal panel").

Complainant alleges that the bail appeal panel acted "in concert" to protect the trial judge and "retaliated" against complainant for filing the 2023 complaint of misconduct against the trial judge. As previously noted, adverse rulings are not proof of bias or conspiracy. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). To the extent complainant alleges that the bail appeal panel committed misconduct by conspiring or retaliating against him, the allegation is dismissed as unfounded because complainant failed to provide objectively verifiable proof to support it. *See* Judicial-Conduct Rule 11(c)(1)(D). To the extent complainant alleges that the bail appeal panel committed misconduct by affirming the trial judge's order, the allegation is dismissed as an impermissible challenge to the merits of the judges' decision. *See* Judicial-Conduct Rule 11(c)(1)(B).

Next complainant alleges that the bail appeal panel committed misconduct by disregarding statutory authority and failing to cite a case complainant believed to be controlling. Because this allegation relates to the judges' decisions, including their determination of applicable law, it is dismissed. *See* Judicial-Conduct Rule 11(c)(1)(B).

Finally, complainant alleges that the bail appeal panel discriminated against him on the basis of his nationality. Because complainant provides no objectively verifiable evidence to support this allegation, it is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Complaint Numbers 26-90015, 26-90016, 26-90017

This complaint is against the two circuit judges and the district judge, sitting by designation, who were assigned to hear the interlocutory appeal of the trial judge's decisions regarding complainant's competency to stand trial ("the competency appeal panel").

As background, the trial judge found complainant incompetent to stand trial and ordered him to receive treatment. Upon completing treatment, complainant was found competent to stand trial, and the prosecution proceeded. Complainant, through counsel, appealed the trial judge's handling of the competency proceedings. However, it was unclear whether the notice of appeal was timely

filed. The competency appeal panel remanded the matter to the district court for the limited purpose of determining the timeliness of the notice of appeal and held the matter in abeyance during the remand. However, the parties agreed to dismiss the appeal before the matter was returned to the competency appeal panel.

Complainant alleges that the competency appeal panel acted “in concert” to protect the trial judge. As noted, adverse rulings are not proof of bias or conspiracy. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). To the extent complainant alleges that the competency appeal panel committed misconduct by conspiring against him, the allegation is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant alleges that the competency appeal panel committed misconduct by not deciding the merits of his appeal, the allegation is dismissed as an impermissible challenge to the merits of the judges’ decisions, including the decision to remand the matter without reaching the merits of complainant’s claims. *See* Judicial-Conduct Rule 11(c)(1)(B).

Further, the competency appeal panel remanded the matter because it was unclear whether it had jurisdiction to hear the appeal. Accordingly, the allegation is dismissed because what complainant describes “is not prejudicial to the effective and expeditious administration of the business of the courts.” *See* Judicial-Conduct

Rule 11(c)(1)(A).

Complaint Number 26-90026

This complaint is against the district judge assigned to hear the second motion to disqualify the trial judge that complainant filed shortly after he was convicted. As previously explained, the district judge denied complainant's motion after concluding that "the trial court properly evaluated" the circumstances and that the trial judge's impartiality could not reasonably be questioned.

Complainant alleges that the district judge granted the trial judge "special treatment" by "refusing to accept" the evidence complainant provided. In a related vein, complainant alleges that the district judge had a conflict of interest that led to an "erroneous decision." Any allegation that the district judge gave the trial judge special treatment or had a conflict of interest is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D). Any allegation that the district judge rendered an erroneous decision or incorrectly evaluated, credited, or considered the evidence is dismissed as an impermissible challenge to the merits of the judge's decisions. *See* Judicial-Conduct Rule 11(c)(1)(B).

Complaint Numbers 26-90059, 26-90060

Complainant filed a petition challenging his pretrial detention and a post-conviction civil rights complaint challenging his treatment while incarcerated.

This complaint is against the district judge and magistrate judge assigned to hear both of those matters (“the remaining judges”).

As he has done previously, complainant alleges that the remaining judges gave “special treatment” to the trial judge and their “rulings and decisions were in furtherance of their conflict.” Any allegation that the remaining judges gave the trial judge special treatment or had a conflict of interest is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D). Any allegation regarding the correctness of the remaining judges’ rulings or decisions is dismissed as merits-related. *See* Judicial-Conduct Rule 11(c)(1)(B).

Complainant next alleges that the remaining judges were not “randomly assigned” to his cases, but rather, were “hand picked” by the trial judge. Because complainant provides no objectively verifiable evidence to support these allegations, they are dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D). Further, there is “no right to any particular procedure for the selection of the judge[,]” so long as the decision is made “in a manner free from bias or the desire to influence the outcome of the proceedings.” *See Cruz v. Abbate*, 812 F.2d 571, 574 (9th Cir. 1987). “The mere fact that the same judge presided over multiple cases filed by complainant is not proof of misconduct.” *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011).

Accordingly, this allegation is also dismissed because the conduct, “even if true, is not prejudicial to the effective and expeditious administration of the business of the courts.” *See* Judicial-Conduct Rule 11(c)(1)(A).

Next, complainant alleges that the remaining judges dismissed one of his petitions without first ruling on his motion to appoint counsel. A review of the record demonstrates that the motion to appoint counsel was denied as moot in the same order dismissing the petition. This allegation is dismissed as an improper challenge to the merits of a ruling, as well as not describing conduct that is “prejudicial to the effective and expeditious administration of the business of the courts.” *See* Judicial-Conduct Rule 11(c)(1)(B), (A).

Finally, complainant alleges that the remaining judges discriminated against him on the basis of his nationality. Because complainant provides no objectively verifiable evidence to support this allegation, it is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Order to Show Cause

Including the complaints resolved in this order, complainant has now filed eight separate complaints against fourteen individual subject judges who have been involved at various stages of his cases, raising allegations that have been dismissed as merits-related and unfounded. On February 26, 2026, after the eighth complaint

was filed, complainant was cautioned that under Judicial-Conduct Rule 10(a), repetitive, harassing, or frivolous complaints may result in restrictions on filing further complaints. Undeterred, complainant responded that he will “continue to file” complaints and that any attempt to prevent such filings may result in criminal prosecution.

Complainant is ordered to show cause why he should not be sanctioned by a restrictive filing order. *See* Judicial-Conduct Rule 10(a); *In re Complaint of Judicial Misconduct*, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009) (ordering complainant to show cause why he should not be sanctioned after filing sixteen misconduct complaints that were dismissed as conclusory or merits related).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.