

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

APR 2 2026

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90223

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against a 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 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.

As background, a jury convicted complainant of multiple counts of impersonating a federal officer in violation of 18 U.S.C. § 912. Complainant has filed numerous misconduct complaints relating either to those proceedings or to other numerous lawsuits he has filed over the last several years.

Here, complainant alleges that the magistrate judge is engaged in alcohol and drug abuse. This allegation is based on the magistrate judge's decision to order complainant detained. Complainant also alleges that the magistrate judge demonstrated slurred speech and irritability during court proceedings.

A review of the audio recordings of the relevant proceedings demonstrates that complainant's allegations regarding slurred speech and irritability are completely meritless. Furthermore, adverse rulings are not proof of misconduct. *See In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Complainant provides no objectively verifiable evidence to support his allegation regarding alcohol and drug abuse, beyond disagreeing with the magistrate judge's order to have him detained. Therefore, this allegation is

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 magistrate judge’s decision to order him detained, this would constitute a challenge to the correctness of the judge’s decision. “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 Judicial-Conduct Rule 4. Therefore, any such argument is dismissed as a challenge to the merits of the district judge’s decision. *See* 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).

DISMISSED.