

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

JUN 24 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90224

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, 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 names of the 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 is a prisoner who filed civil litigation alleging that the prison has withheld his prescribed medications and glasses since 2021. In a screening order, the district judge explained that the claims lacked sufficient facts and appeared to be time-barred, but allowed complainant to file an amended complaint. When the amended complaint did not remedy the deficiencies, the district judge issued another screening order allowing complainant to amend his complaint. Instead, complainant filed a notice of appeal, which essentially paused the district court proceedings.

Complainant appears to be challenging the need for screening orders issued by the district judge. Because the underlying complaint was filed by a prisoner seeking relief against an officer or employee of a governmental entity, the district judge was required by the Prison Litigation Reform Act to conduct an initial screening. Complainant fails to describe conduct by the district judge that is “prejudicial to the effective and expeditious administration of the business of the courts.” Judicial-Conduct Rule 11(c)(1)(A). Further, to the extent complainant

disagrees with the content of the screening orders, the allegation is dismissed because it relates to the district 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).

DISMISSED.