

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. 25-90229

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a retired bankruptcy 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 was involved in various bankruptcy matters between 2018 and 2025. He raises merits-based allegations, including that the bankruptcy judge failed to address evidence he submitted and wrongly determined that he was a vexatious litigant. However, the bankruptcy judge is now retired. The rules governing judicial misconduct only apply to active judges, so the judge's recent retirement is an intervening event that renders "action on the complaint no longer necessary." *See* Judicial-Conduct Rule 1(b); Commentary on Rule 1 ("As long as the subject of a complaint retains the judicial office and remains a covered judge as defined in Rule 1(b), a complaint must be addressed."); Judicial-Conduct Rule 11(a)(3).

Complainant also alleges that he was denied access to a zoom hearing, but appears to attribute blame to the court clerk, rather than the bankruptcy judge. However, the rules governing judicial misconduct do not extend to clerks.

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Accordingly, any allegation regarding the Clerk's office is dismissed. *See* Judicial-Conduct Rule 1.

DISMISSED.