

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**

Nos. 25-90238, 25-90239

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against a district judge and 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 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 filed a 28 U.S.C. § 2254 habeas petition in the district court challenging his criminal conviction and sentence. The magistrate judge initially dismissed the petition with leave to amend because it was “excessively verbose, convoluted, unintelligible, and confusing.” Rather than submitting an amended petition, complainant filed several supplements and motions. Nevertheless, the magistrate judge deemed the first 56 pages of complainant's petition to be the operative petition and ordered the state to respond. Ultimately, the magistrate judge recommended the petition be dismissed because the claims lacked merit or were procedurally barred. The district judge adopted that recommendation and dismissed the petition.

Complainant alleges that both the judges “falsified the page amount” by referencing the total number of pages complainant submitted to the court, rather than parsing out only those pages that made up the habeas petition. Because complainant provides no objectively verifiable evidence to support the allegation

that the judges falsified documents, it 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).

Additionally, the allegation is dismissed as an improper challenge to the way the judges handled and interpreted complainant’s petition. “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).

Complainant next alleges that both judges altered his original wording,

which limited his ability to have his claims reviewed on the merits. This allegation, too, is dismissed as an improper challenge to the way the judges handled and interpreted complainant's petition, and because complainant fails to show that the judges committed misconduct by reframing his arguments. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

Next, complainant alleges that both judges were complicit in perjury. Because this allegation challenges the judges' acceptance of certain information in the record, with which complainant disagrees, it is dismissed because it relates to the merits of the judges' decisions. Additionally, because complainant failed to establish that perjury was committed, it is also dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

Finally, complainant alleges that both judges wrongly denied his discovery motions. This allegation is dismissed as an improper challenge to the merits of the judges' decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

DISMISSED.