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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF	No. 25-90244
JUDICIAL MISCONDUCT	**ORDER**

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a 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 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, complainant has filed for Chapter 13 bankruptcy twice, with litigation in these proceedings focused on complainant's home ("the property"). In 2024, the bankruptcy judge granted a motion filed by the holder of the property's deed of trust seeking relief from the automatic stay, thus permitting the holder to foreclose on the property. Complainant has filed numerous motions seeking to disqualify the bankruptcy judge, which were denied.

In 2025, complainant filed an action in federal court, and a separate action in state court, both of which named the bankruptcy judge and the bankruptcy trustee as defendants. The bankruptcy trustee filed notices of removal for both matters. As a result, these actions were opened in the bankruptcy court as adversary proceedings that were related to complainant's active bankruptcy matter. Thus, the bankruptcy judge was assigned to the adversary proceedings as the presiding judge, even though the bankruptcy judge was a named defendant in both adversary proceedings.

After this occurred, complainant filed new motions for disqualification. The bankruptcy judge issued a thorough memorandum decision in which the bankruptcy judge disqualified himself from the adversary proceedings under 28 U.S.C. § 455(b)(5)(i) but found that disqualification from complainant's main bankruptcy matters was not required.

Complainant argues in his misconduct complaint that the bankruptcy judge committed misconduct by not disqualifying himself from all of complainant's bankruptcy matters. "Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Judicial-Conduct Rule 4(b)(1). Accordingly, this allegation is dismissed because it relates directly to the merits of the judge's decisions. *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). Furthermore, the bankruptcy judge did resolve this issue by disqualifying himself from complainant's adversary proceedings. Therefore, this allegation as to the adversary proceedings is also dismissed as moot.

To the extent that complainant is arguing that the bankruptcy judge should disqualify himself from all of complainant's other bankruptcy matters, this allegation is also dismissed as merits related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 4(b)(1); *see also* Comm. on Codes of Conduct, Advisory Opinion No. 103 (2009) ("Automatic disqualification of a judge cannot be obtained by the simple act of suing the judge, particularly where the suit is primarily based on the judge's prior judicial rulings.").

DISMISSED.