

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FEB 5 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90268

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, 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 has filed numerous civil cases against various defendants in the district court over the past decade. The district judge self-recused from one of complainant's cases, due to a conflict presented with one of the defendants, but has continued to preside over complainant's other cases.

Complainant alleges that the judge has committed misconduct by refusing to self-recuse or to issue summons in another one of his cases. However, a review of the record demonstrates that the judge is in the process of screening the case, and has not yet determined whether summons should issue. The allegation that the judge is "refusing to issue summons" is belied by the record. This allegation is further dismissed because "[c]ognizable 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). *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); *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).

Next, complainant alleges that the judge demonstrated “preferential treatment” toward an unrelated party in an unrelated case. To the extent this allegation challenges the judge’s rulings in complainant’s case, it is dismissed because it is directly related to the merits of a decision. *See id.* Moreover, adverse rulings are not proof of bias. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Any comparison between the judge’s rulings in complainant’s case and another factually and procedurally distinct case are similarly insufficient to demonstrate bias. Because complainant provides no objectively verifiable evidence to support this allegation, beyond his own conclusory statements, 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).

This is the sixth complaint of judicial misconduct complainant has filed,

raising repetitive allegations against the same judges that have been dismissed as unfounded and not cognizable. *See* Nos. 22-90068, 24-90088, 24-90089, 25-90128, and 25-90129. Complainant is cautioned that if he continues to file “repetitive, harassing, or frivolous complaints,” or to otherwise “abuse[] the complaint procedure,” he will be restricted from filing further complaints. *See In re Complaint of Judicial Misconduct*, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 10(a).

DISMISSED.