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. 25-90284
JUDICIAL MISCONDUCT	**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 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.

Complainant alleges that the district judge committed misconduct by improperly delaying in ruling on a motion to enforce a subpoena. Without a showing of an "improper motive in delaying a particular decision or a habitual delay in a significant number of unrelated cases," delay alone is not cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(2). Complainant has failed to provide any evidence of an improper motive or habitual delay. Furthermore, a review of the record indicates the district judge ruled on the motion about one month after it was filed. This does not constitute improper delay. Because there is no indication of misconduct by the district judge, this allegation is dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district judge is responsible for errors on the court docket. There was no objective evidence submitted that the district judge is responsible for any alleged errors on the court docket, so this allegation is also dismissed as unfounded. *See id.*

DISMISSED.