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

JUDICIAL COUNCIL

OF THE NINTH CIRCUIT

IN RE COMPLAINT OF **JUDICIAL MISCONDUCT**	Nos. 26-90006, 26-90007, 26-90008, 26-90009, 26-90010 **ORDER**

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against three circuit judges, 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 name of 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.

As background, complainant has engaged for some time in litigation regarding the estate of complainant's deceased mother. The action that prompted the filing of the misconduct complaint was filed in 2025, and the case was dismissed for failure to prosecute.

Complainant alleges that the district judge and magistrate judge who ruled in complainant's matter, as well as the three circuit judges who dismissed complainant's appeal for lack of jurisdiction, were all part of a conspiracy to protect state judges that are initiating "probate scams." This allegation is based on the adverse rulings entered by the subject judges. However, adverse rulings are not proof of misconduct. *See In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Because complainant provides no objectively verifiable evidence to support this allegation, 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).

To the extent complainant challenges the correctness of any decision by the subject judges, "[a]ny 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 Judicial-Conduct Rule 4. Therefore, any such allegations are dismissed as a challenge to the merits of the subject judges' 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).

Complainant also alleges that the magistrate judge retaliated against complainant because complainant named the magistrate judge as a defendant in the underlying action. A review of the record does not support the allegation that

complainant named the magistrate judge as a defendant, nor the allegation that the magistrate judge took any retaliatory action against complainant. Therefore, this allegation is dismissed as unfounded and belied by the record. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant alleges that 1) the magistrate judge has been "intercepting" filings meant for the chief district judge; 2) the magistrate judge has been filing adverse orders without proper jurisdiction; and 3) the district judge and magistrate judge have refused to hear motions, delayed rulings, and favored defendants, all of which demonstrates bias. None of these conclusory statements have any objective evidentiary support, and a review of the record does not support these allegations. Therefore, these allegations are also dismissed as unfounded. *See id.*

DISMISSED.