

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MAR 20 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 26-90014

ORDER

WARDLAW, Circuit Judge¹:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against the chief judge of this circuit, who has recused herself from this matter. 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 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 complaint may be dismissed if it is not cognizable under the statute, is directly related to the merits of a decision

¹ This complaint was assigned to Circuit Judge Kim McLane Wardlaw pursuant to 28 U.S.C. § 351(c).

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 previously filed a complaint of judicial misconduct against a district judge. The chief judge dismissed that complaint because the allegations raised either did not describe misconduct, or were unfounded or related to the merits of the district judge's decisions.

In this complaint of judicial misconduct, complainant alleges that the chief judge gave "special treatment" to the district judge by denying the prior misconduct complaint. Complainant provides no evidence of special treatment, and adverse rulings alone are not proof of misconduct. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Accordingly, this allegation 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).

Complainant further alleges that the chief judge worked “in concert” with other circuit judges to protect the district judge. For example, complainant argues that the chief judge intentionally dismissed his prior misconduct complaint while complainant had two appeals pending, to “set the tone” for other circuit judges to deny relief in those appeals. The Office of the Circuit Executive administers the judicial misconduct and disability complaint program to protect the confidentiality of the process. By design, no information about the filing or resolution of complainant’s prior misconduct complaint was shared with the circuit judges assigned to hear complainant’s appeals. Because complainant provides no objectively verifiable evidence to support this allegation, it is also dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Next, complainant alleges that the chief judge did not sufficiently address each of the claims raised in his prior misconduct complaint. Rather than individually addressing complainant’s numerous overlapping allegations, the dismissal order provided examples of claims and dismissed them by type – some lacked sufficient supporting evidence, some challenged the district judge’s decisions, while others failed to describe misconduct. The correctness of any decision relating to these proceedings, including the amount of detail to include in the dismissal order, is not subject to challenge through the misconduct complaint process. “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. Thus, a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related.” Commentary on Judicial-Conduct 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); Judicial-Conduct Rule 11(c)(1)(B).

Finally, complainant alleges that the chief judge “deliberately” mailed the order dismissing his prior complaint to an invalid address to prevent him from seeking review of that order by the Judicial Council. Circuit executive staff confirmed that the dismissal order was mailed to complainant’s last known address and was not returned, whereas a subsequent letter mailed to the same address two months later was returned as undeliverable. Circuit executive staff further confirmed that no change of address was received while complainant’s prior complaint was pending.

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Because complainant failed to provide any evidence that the chief judge was involved in mailing correspondence or interfering with complainant's ability to seek review of the dismissal order, this allegation is dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.