

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

APR 2 2026

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 26-90053, 26-90054

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against two district judges. 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, a jury convicted complainant of multiple counts of impersonating a federal officer in violation of 18 U.S.C. § 912. Complainant has filed numerous misconduct complaints relating either to those proceedings or to other numerous lawsuits he has filed over the last several years.

Here, complainant alleges that the first district judge never took the oath of office as required by 21 U.S.C. § 453. A review of the court's administrative records demonstrates this allegation is false. Therefore, this allegation is dismissed as unfounded and belied by the record. *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 frivolous or 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 also alleges that the second district judge is suffering from a mental disability due to prescription drug abuse. Complainant claims this disability is proven by the failure of the second district judge to recuse from one of his cases. 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). Complainant provides no objectively verifiable evidence to support his outlandish allegation, beyond disagreeing with the magistrate judge's decision to not recuse. Therefore, this allegation is dismissed as unfounded and frivolous. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(C), (D); *see also* Commentary on Judicial-Conduct Rule 11 (dismissing a complaint as frivolous is appropriate when allegations are facially incredible or so lacking in indicia of reliability that no further inquiry is warranted).

To the extent complainant is challenging the second district judge's decision to not recuse, "[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). Thus, this allegation is also dismissed.

DISMISSED.