

**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**

No. 26-90067

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against 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 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.

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 magistrate judge failed to properly evaluate whether there was probable cause supporting the criminal complaint filed against complainant. Complainant argues the signature was falsified on the affidavit submitted in support of the criminal complaint. Complainant alleges that the magistrate judge allowed the signature to be falsified in retaliation for complainant's investigation of the Chinese government. Finally, complainant argues that magistrate judge should have decided to recuse from complainant's matter.

All of complainant's allegations regarding the criminal complaint, and the magistrate judge's decisions, constitute a challenge to the correctness of the judge's decisions regarding the criminal complaint. "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.”

Commentary on Judicial-Conduct Rule 4. Therefore, these allegations are dismissed as a challenge to the merits of the magistrate judge’s 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).

In addition, complainant provides no objectively verifiable evidence to support any of his allegations, beyond disagreeing with the magistrate judge’s decisions. Furthermore, adverse rulings are not proof of misconduct. *See In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Therefore, all of complainant’s allegations are dismissed as unfounded and meritless. *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).

In regard to complainant’s challenge to the 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). Therefore, this allegation is also dismissed.

DISMISSED.