

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

JUN 24 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 26-90111

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se prisoner, 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 names of the 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 pled guilty to federal crimes in the district court and filed this complaint against the district judge assigned to his prosecution and sentencing.

The complaint states that many documents filed in his case are not visible on the public docket. When complainant filed a motion to “restore the deleted dockets,” the district judge denied the motion for failing to cite any legal authority, and explained that some documents may not be public if there is a sufficiently compelling reason to restrict the public's access. Complainant does not appear to allege that the district judge committed misconduct by manipulating the docket or was personally involved in docketing matters. Accordingly, he fails to describe conduct that is “prejudicial to the effective and expeditious administration of the business of the courts.” Judicial-Conduct Rule 11(c)(1)(A). To the extent complainant challenges the district judge's denial of his motion to restore the docket, the allegation is dismissed because it relates to the 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

or procedural ruling); *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). “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 Rule 4.

Next, complainant alleges that the district judge refused to rule on his motion to withdraw his guilty plea. However, the record demonstrates that the district judge denied the motion on January 23, 2026, approximately eight months after it was filed. Accordingly, this allegation is dismissed because it is belied by the record. If complainant’s allegation is that there was delay in the process, the allegation still must be dismissed. 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. Judicial-Conduct Rule 4(b)(2). Complainant has not attempted to demonstrate an improper motive and none can be found in the record. 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 next alleges that the district judge attempted to sentence him without notice and ignored the illegal seizure of his legal documents by prison authorities. The record appears to support complainant's assertion that he did not timely receive a copy of the order scheduling his sentencing hearing and that he was without his legal documents for some period of time, but there is no indication that the judge was responsible for those events. In fact, the record confirms that the district judge continued the sentencing hearing to accommodate the missed notice, and attempted to remedy the problem by issuing at least two orders requiring the government attorney and the prison to ensure that complainant received his legal notices and documents. Therefore, it cannot be said that the district judge's conduct is "prejudicial to the effective and expeditious administration of the business of the courts." Judicial-Conduct Rule 11(c)(1)(A). These allegations are also dismissed because they are belied by the record.

Complainant alleges that he sent correspondence to the judge, which was ignored. Although complainant does not specify the dates or contents of the correspondence, the record contains multiple admonitions to complainant explaining that he may not communicate directly with the judge while represented by counsel. This allegation is dismissed because it is belied by the record and fails to describe conduct that is "prejudicial to the effective and expeditious

administration of the business of the courts.” *Id.*

Finally, complainant alleges that the district judge “has conspired to unlawfully prosecute [him] on false and fabricated evidence.” This allegation appears to refer to complainant’s repeated attempts to withdraw his guilty plea and establish his innocence, and is dismissed because it challenges the judge’s decisions, including the decision to deny complainant’s motion to withdraw his plea, and the handling of complainant’s claims of innocence. *See* Judicial-Conduct Rule 11(c)(1)(B); Commentary on Rule 4. Moreover, because complainant provides no objectively verifiable evidence to support the allegation that evidence has been fabricated or that the district judge has conspired to prosecute him, the allegation is also 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).

DISMISSED.