

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

JUL 6 2026

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 26-90125

ORDER

MURGUIA, Chief Judge:

Complainant has filed a complaint of judicial misconduct against a circuit 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. The circuit judge was part of the appellate panel that affirmed complainant's criminal sentence. The panel also denied complainant's motions to directly appeal his conviction, which were filed after complainant's appeal was argued and submitted.¹

Here, complainant alleges that the circuit judge was required to be recused from hearing complainant's appeal because the circuit judge had at one time issued a ruling involving complainant's former employer. Complainant argues that this failure to recuse demonstrates bias and retaliatory intent by the circuit judge. Complainant also claims the circuit judge improperly denied complainant's motion

¹ Complainant argued that his court appointed attorney refused to challenge his conviction when such an appeal would have been timely.

to directly appeal his conviction, and that the circuit judge is part of a conspiracy with the U.S. Attorney's office.

Regarding complainant's challenge to the circuit 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 dismissed as a challenge to the merits of the circuit judge's decision. *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).

Furthermore, complainant failed to provide any objective, verifiable evidence supporting this recusal allegation. This allegation is also 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).

As to complainant’s allegation that the circuit judge should have granted complainant’s motions to directly appeal his conviction, “[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, this allegation is dismissed as a challenge to the merits of the circuit judge’s decisions. *See* 28 U.S.C.

§ 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Finally, as to complainant’s arguments regarding bias and retaliatory intent by the circuit judge, as well as the allegation regarding conspiracy, complainant provides no objectively verifiable evidence to support any of these allegations, beyond disagreeing with the circuit 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, these allegations are dismissed as unfounded and meritless. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.