

**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. 26-90130

ORDER

MURGUIA, Chief Judge:

Complainant 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 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 was present during a Naturalization Ceremony conducted by the magistrate judge. Complainant alleges that the judge told the audience to remain seated during the National Anthem. To complainant, this suggested a lack of national pride and set a terrible example for the newly sworn-in citizens, their families, and others in attendance.

The judge submitted a written response which conveyed a deep patriotism and commitment to democracy. The judge explained that the audience was asked to stand for the Oath of Allegiance, the Pledge of Allegiance, and the "National Anthem," while they were allowed to remain seated for a video featuring the song "America the Beautiful." The judge explained that this was done "out of courtesy to the many elderly new citizens who had already stood and been seated multiple times during the ceremony." The judge unequivocally stated that this was not a "form of protest or commentary on national symbols or policy."

Accordingly, this allegation is dismissed as belied by the record, and because complainant has not provided "sufficient evidence to raise an inference

that misconduct has occurred.” Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.