



United States Courts for the Ninth Circuit

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NEWS RELEASE

February 28, 2023

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News Release: Judicial Conduct and Disability Complaint Number 23-90037

SAN FRANCISCO – All inquiries related to allegations of judicial misconduct concerning District Judge Roger T. Benitez from the Southern District of California should refer to the attached order regarding Judicial Conduct and Disability Complaint Number 23-90037.

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FILED

FEB 28 2023

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 23-90037

ORDER

MURGUIA, Chief Judge:

On February 17, 2023, pursuant to the Rules for Judicial-Conduct and Judicial-Disability Proceedings (“JC&D Rules”), Chief District Judge Dana M. Sabraw of the Southern District of California contacted me regarding allegations of judicial misconduct by District Judge Roger T. Benitez. These allegations were related to court proceedings that took place on February 13, 2023, including a revocation of supervised release proceeding during which Judge Benitez ordered the handcuffing of the thirteen-year-old daughter of a defendant.

After conducting an inquiry into the allegations, which included review of the relevant court transcripts, on February 22, 2023, I identified a misconduct complaint against Judge Benitez pursuant to the Judicial Disability Act, 28 U.S.C. § 351(b) and JC&D Rule 5.

Since that time, information related to these allegations has been published

in the media. Pursuant to JC&D Rule 23(b)(1), this order and the fact that I identified a complaint against Judge Benitez are publicly disclosed in order to “maintain public confidence in the Judiciary’s ability to redress misconduct or disability.”

All subsequent proceedings will be handled in accord with the Judicial Conduct and Disability Procedures.