

**FILED**

Apr. 24 2024

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 23-90015+

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a prisoner, has filed a complaint of judicial misconduct against a district judge and two magistrate judges. 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 complainant and the subject judges 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 alleges that the first magistrate judge has not acknowledged his filings or his case for more than a year. 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. See Judicial-Conduct Rule 4(b)(2). Moreover, a review of the record discloses that all matters pending before this judge have been closed since at least 2022.

Because there is no indication of misconduct by the district judge, the allegation is 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 frivolous or 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).

Next, complainant alleges that the second magistrate judge lied and rejected his arguments, but he offers no facts, examples, or even context to support this.

Adverse rulings are not proof of bias. See In re Complaint of Judicial Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016). Without any evidence to support this bare allegation, it must be dismissed as unfounded. See 28 U.S.C.

§ 352(b)(1)(A)(iii).

Finally, complainant alleges that all three judges are corrupt and prejudiced against him. Again, he failed to offer anything to support this bare allegation, which is dismissed as completely unfounded. Id.

**DISMISSED.**