

**FILED**

JAN 10 2025

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 24-90130

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, 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 filed multiple related lawsuits against his former employer between 2005 and 2010, which resulted in a finding that he was a vexatious litigant. Complainant alleges that the district judge “lied” and “falsified facts” when he imposed a prefiling order against complainant, limiting his ability to file future lawsuits related to his employment. Complainant further alleges that, in imposing the order, the district judge “extended personal favors” to the defendants. Complainant also alleges that the district judge committed misconduct by denying a later request to modify the prefiling order.

Because complainant has failed to demonstrate any wrongdoing by the district judge, these allegations are dismissed as unfounded and as impermissible challenges to the merits of the judge's decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii) (listing reasons the chief judge may decide to dismiss the complaint, including that claims are directly related to the merits of a decision, or that claims are lacking sufficient evidence to raise an inference that misconduct has occurred); Judicial-Conduct Rule 11(c)(1)(B), (D).

Complainant next alleges that the district judge treated him in a hostile and egregious manner by having the United States Marshals escort him out of the courthouse after a hearing. The district judge explained his reasoning for doing so in an order entered on the docket, which chronicles various threats complainant had made in the past. This allegation is dismissed because it challenges the merits of the judge's decision and fails to demonstrate hostile or rude treatment of complainant. *See id.*, *In re Complaint of Judicial Misconduct*, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014) (dismissing as unsupported allegations that a judge's comments were rude, derogatory, or intemperate because the judge did not use demeaning language or heap abuse on anyone).

**DISMISSED.**