

**FILED**

SEP 5 2025

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 25-90081

**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 previously filed similar allegations against the same district judge in complaint number 23-90161. That complaint was dismissed on August 22, 2024. Judicial-Conduct Rule 11(c)(2) states that a “complaint must not be dismissed solely because it repeats allegations of a previously dismissed complaint if it also contains material information not previously considered and does not constitute harassment of the subject judge.” Despite similarities between the present and prior complaints, the present complaint includes minimal new facts and a separate underlying case.<sup>1</sup>

Complainant alleges that the district judge has a conflict of interest which required recusal. This allegation is dismissed because “[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); 11(c)(1)(B).

Complainant next alleges that the district judge committed misconduct by

---

<sup>1</sup> Complainant should note that the Commentary to Rule 11 states that “at some point a renewed investigation may constitute harassment of the subject judge and should not be undertaken.”

issuing rulings without conducting hearings, in a “continuing effort to ignore all evidence.” This allegation is dismissed as both unfounded and as an impermissible challenge 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).

Finally, complainant alleges that the district judge issued “unlawful rulings” which suggest “a strong probability of bias.” This allegation is also dismissed as both unfounded and as an impermissible challenge to the merits of the judge’s decisions. *See id.*

**DISMISSED.**