

FILED

JUN 20 2019

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 19-90055

ORDER

THOMAS, 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 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 alleges that the district judge improperly dismissed a case knowing that evidence was concealed. Complainant contends that a State Bar illegally conceals a domestic violence offender database, and that the judge, as a State Bar member, knew or should have known about this alleged concealment. Complainant further alleges that the judge “commits misconduct by refusing to disclose to the US Ninth Circuit Court of Appeals that [the judge] commits misconduct as a member of the State Bar,” and that the judge should have reported other judges in the same district who are also State Bar members for the same conduct. Complainant provides no evidence to support these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); see also Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge “commits misconduct by not hearing cases of permanently, physically, disabled parties.” To the extent that complainant is alleging that the judge is biased against the disabled or victims of domestic violence, this claim is dismissed also as unfounded. Adverse rulings are

not evidence of bias or other misconduct, and complainant offers no other proof in support of this allegation. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); 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).

To the extent that complainant challenges the judge’s handling of an underlying civil case, these allegations relate directly to the merits of the judge’s rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

The allegations raised in this complaint are virtually identical to those raised and dismissed in Complaint of Judicial Misconduct No. 18-90114. Complainant is advised that any future complaints making similar merits-related or unfounded allegations will be summarily dismissed.

DISMISSED.