

**FILED**

JUL 25 2019

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 19-90080, 19-90081,  
19-90082, 19-90083 and  
19-90084

**ORDER**

**McKEOWN**, Circuit Judge<sup>1</sup>:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a district judge and four circuit 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

---

<sup>1</sup> This complaint was assigned to Circuit Judge M. Margaret McKeown pursuant to 28 U.S.C. § 351(c).

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 “altered” or misapplied federal rules of civil procedure, made incorrect factual findings, and made various other incorrect rulings in the underlying civil proceedings. Complainant also alleges that an appellate panel “failed to establish jurisdiction” and made other incorrect rulings on appeal. Finally, complainant alleges that a circuit judge improperly dismissed a previous judicial misconduct complaint. These allegations relate directly to the merits of the judges' 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); Commentary on Judicial-Conduct Rule 4.

Next, complainant alleges that the district judge was biased in favor of the opposing parties, and that the circuit judge who dismissed complainant's previous

misconduct complaint is biased in favor of judges. However, adverse rulings alone are not proof of bias, and complainant provides no objectively verifiable evidence to support these allegations, which are dismissed as unfounded. 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); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complaint raises allegations against clerk's office or chambers staff, such allegations are dismissed because this judicial misconduct procedure applies only to federal judges. See In re Complaint of Judicial Misconduct, 632 F.3d 1287, 1288 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 1(b).

Complainant has now filed misconduct complaints against five different judges, raising allegations that have been dismissed as merits-related and unfounded. Complainant is cautioned that any future complaints raising similar allegations will be summarily dismissed, and an order to show cause as to why complainant should not be restricted from filing further misconduct complaints will issue.

**DISMISSED.**