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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 19-90103

ORDER**THOMAS**, Chief Judge:

Complainant, an attorney and a creditor in a bankruptcy proceeding, 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 judge improperly denied his motion to recuse in the underlying case. In particular, complainant alleges that several years ago, when the subject judge was a non-federal judge, she granted complainant's recusal motions in two separate proceedings. Complainant also alleges that in 2014, following her confirmation to the federal bench, the judge granted complainant's recusal motion in an unrelated bankruptcy proceeding.

Complainant further alleges that the judge should have recused herself in the underlying case because she has a relative who ran for political office against complainant, and because the judge was a witness in disciplinary Bar proceeding against complainant.

Complainant raised these same allegations in his motion to recuse in the underlying case. In denying the motion, the judge noted that: (1) regarding her first prior recusal, granted seventeen years ago, the judge recused herself not due to any alleged bias, but because the gravity of complainant's allegations could

cause a reasonable person to question her impartiality; (2) regarding the second prior recusal, granted sixteen years ago, the judge recused herself because she may have been called as a witness in that proceeding; and (3) regarding her more recent recusal in a bankruptcy case, the judge recused herself because she may have been called as a witness against complainant in a contemporaneous, non-federal court proceeding. The judge also noted that complainant has offered no current legal or factual basis for her disqualification, that her previous recusals were factually distinguishable, and that complainant has appeared before her in other federal proceedings and has not moved to disqualify her.

In light of this record, complainant fails to show that the judge failed to recuse for an improper purpose. Accordingly, this allegation must be dismissed as merits-related. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial Misconduct, 647 F.3d 1181 (9th Cir. Jud. Council 2011) (“Allegations that a judge erred in failing to recuse are generally dismissed as merits-related A failure to recuse may constitute misconduct only if the judge failed to recuse for an improper purpose”); Judicial-Conduct Rules 4(b)(1) (“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse”), 11(c)(1)(B).

To the extent complainant alleges that the judge is biased, adverse rulings are not proof of bias, and complainant provides no objectively verifiable evidence to support this allegation, which is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (“Adverse rulings are not proof of bias”); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.