

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**FILED**  
NOV 18 2019

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

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 19-90146 and 19-90147

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against two 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 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 judges improperly denied his motion for preliminary injunction and his motion for reconsideration. 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).

Complainant further alleges that the judges' ruling is invalid because they did not affix a physical signature to the order. Judges are not required to sign orders, and thus this allegation is dismissed. See In re Complaint of Judicial Misconduct, No. 11-90097 (9th Cir. Jud. Council July 29, 2011) ("Judges aren't required to sign their orders . . . . Failing to do so, therefore, isn't 'prejudicial to the effective and expeditious administration of the business of the courts'").

Complainant alleges that the judges failed to rule on his motion "by the requested date" that complainant set. Upon review, the judges ruled upon the motion at issue within three months of the date complainant filed it. Judges are

not bound to rule on motions by arbitrary dates requested by the parties. Further, complainant fails to show that there was any significant delay, or that the judges have habitually delayed ruling in a significant number of unrelated cases.

Accordingly, this charge must be dismissed. See Judicial-Conduct Rule 4(b)(2);

In re Complaint of Judicial Misconduct, 584 F.3d 1230, 1231 (9th Cir. Jud.

Council 2009).

**DISMISSED.**