

FILED

OCT 19 2020

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 20-90065 and 20-90066

ORDER

THOMAS, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a district judge and a magistrate 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 magistrate judge recommended dismissal of his petition for writ of habeas corpus, and the district judge adopted that recommendation, because they want the Bureau of Prisons to continue profiting from his imprisonment. Complainant also alleges that the magistrate judge denied his motion for appointment of counsel in order to disadvantage him and that the magistrate judge disregards all pro se litigants. Finally, complainant alleges that the magistrate judge and the district judge are conspiring to sabotage complainant's appeal.

These claims are entirely speculative. Complainant does not provide any objectively verifiable evidence in support of these allegations. Accordingly, these allegations are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii), (B); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. 2009) ("claimant's vague insinuations do not provide the kind of objectively verifiable proof that we require"); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud.

Council 2009) (“adverse rulings alone do not constitute proof of bias. Because there is no evidence that misconduct occurred, these charges must be dismissed”); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.