

**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**

No. 20-90068

**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 judge engaged in discrimination on the basis of complainant's race because he condoned the racist behavior of the arbitrator assigned to the case and because he described complainant as rambling.

Complainant offers no evidence to support her allegation that the judge was aware of, let alone condoned, any racist behavior by the arbitrator. Additionally, the judge described complainant's motion to vacate as rambling because it was more than 50 pages long, and it appears the judge encountered some difficulties in determining what contentions complainant was raising. This unsupported allegation lacks sufficient evidence to raise an inference of discrimination and is dismissed as unfounded.

See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1372 (9th Cir. Jud. Council 2011)

(explaining that "vague accusations and convoluted demands don't satisfy complainant's obligation to provide objective evidence of misconduct"); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009)

(“complainant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the judge has treated her in an egregious and hostile manner because the judge treats all pro se litigants with hostility. Specifically, she states that the judge “ranted” at her for firing her corrupt attorneys, teased her when she shared that she had a cure for COVID-19, and would not let her speak in court. A review of the underlying record shows that these allegations are unfounded. Adverse rulings are not evidence of hostile treatment or other misconduct, and complaint offers no other proof in support of this allegation, which must be 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).

Next, complainant alleges that the judge ruled in favor of the defendants because the judge is working with the defendants and will transfer the amount awarded to the defendants into his personal bank account. She also alleges that the judge created “fake hearings” and forced the complainant to come to court. Complainant claims that the judge did this to increase her legal fees because he wanted the defendants to profit. Complainant provides no objectively verifiable

evidence in support of these allegations, which are dismissed as entirely speculative. See 28 U.S.C. § 352(b)(1)(B); Judicial-Conduct Rule 11(c)(1)(D).

Complainant then alleges that the judge has delayed the underlying proceedings so that the statute of limitations for other potential claims that complainant might have would expire. A review of the record shows that the case has proceeded in due course. Moreover, complainant fails to show or allege that any delay is improperly motivated, or that the judge has habitually delayed ruling in a significant number of unrelated cases. Accordingly, this charge must be dismissed. See *In re Complaint of Judicial Misconduct*, 584 F.3d 1230, 1231 (9th Cir. Jud. Council 2009) (“delay is not misconduct ‘unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases’”); Judicial–Conduct Rule 4(b)(2).

Finally, complainant alleges that the judge improperly admitted evidence and did not read the materials she submitted. A review of the underlying record shows that the judge familiar with all pleadings that were filed. Additionally, complainant does not provide any information about what evidence was improperly admitted and it is not obvious from the docket what evidence could have been problematic. Regardless, these claims relate to the merits of the case and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule

11(c)(1)(B); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009).

**DISMISSED.**