

DEC 23 2020

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

No. 20-90074

ORDER**THOMAS**, Chief Judge:

Complainant, an attorney, has filed a complaint of judicial misconduct against a bankruptcy 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 bankruptcy judge lied about the complainant, put that lie in an order, and sent it to federal judges in districts where complainant was pro hac vice counsel. This resulted in those federal judges revoking complainant's pro hac vice admissions. A review of the record indicates that the bankruptcy judge did not create a lie, and complainant provides no objectively verifiable evidence to contradict the record. Moreover, in the orders to revoke complainant's pro hac vice admissions, the alleged lie is only one of several reasons as to why complainant's pro hac vice admissions were revoked. It is not the sole catalyst for his revocation of pro hac vice admissions as complainant implies in his judicial misconduct complaint.

In both districts where complainant lost his pro hac vice admissions, both federal judges separately found several violations of local rules and unequivocally rejected complainant's allegation that the bankruptcy judge lied. In fact, both judges found that complainant had grossly misstated the bankruptcy judge's prior

court orders. Accordingly, these allegations must be dismissed as unfounded and conclusively refuted by the record. See 28 U.S.C. § 352(b)(1)(A)(iii), (b)(1)(B).

DISMISSED.