

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. 20-90083

**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 district judge is ignoring all of his motions because the judge is conspiring with the Bureau of Prisons. Complainant provides no evidence in support of his allegation that the district judge is ignoring complainant's motions in order to curry favor with the Bureau of Prisons. Additionally, 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 3(h)(3)(B). Complainant provides no evidence of habitual delay. Because there was no misconduct, no further action is required. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

Complainant next alleges that the district judge is mentally disabled. But he provides no evidence to support this allegation. This charge must therefore be dismissed as unfounded. See In re Complaint of Judicial Misconduct, 568, F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Finally, complainant alleges that the district judge obstructs all pro se litigants, specifically by denying all motions to appoint counsel filed by pro se litigants. A review of the record indicates that it was not the district judge who denied complainant's motion to appoint counsel. Rather, a magistrate judge denied the motion because there was no exceptional circumstances that would cause the court to request voluntary assistance of counsel. Moreover, adverse rulings do not prove bias or other misconduct, 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, 715 F.3d 747, 749 (9th Cir. Jud. Council 2013) (“adverse rulings, standing alone, are not proof of misconduct”).

**DISMISSED.**