

FEB 2 2021

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

No. 20-90088

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 did not respond to multiple letters inquiring about the status of complainant's case. Even if true, this allegation must be dismissed because it is not cognizable misconduct. See 28 U.S.C.

§ 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 647 F.3d 1181, 1182 (9th Cir. Jud. Council 2011) ("Because complainant doesn't allege conduct 'prejudicial to the effective and expeditious administration of the business of the courts,' her charges must be dismissed"); Judicial-Conduct Rules 11(c)(1)(A).

Complainant also alleges that the district judge was biased against him because he would not let complainant into the judge's district. The complainant does not provide any further information regarding this allegation. It is unclear whether complainant is alleging that the district judge prevented complainant from filing a complaint in the judge's district or if the judge physically prevented the complainant from entering the judge's district. Regardless, this allegation of misconduct based on bias is dismissed for failure to raise an inference of misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial

Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

Finally, complainant argues that he should not have to pay the filing fee because his civil rights case was never filed. However, a review of the record reveals that the Clerk of Court opened the case and provided complainant with information on how to proceed with his case. Moreover, complaints about filing fees do not constitute misconduct. Accordingly, this allegation is dismissed for failure to raise an inference of misconduct. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.