

FILED

MAR 16 2021

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 20-90118

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[s] 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 has filed a largely incomprehensible complaint with nearly fifty pages of exhibits. Complainant barely mentions the district judge and discusses numerous, unrelated topics throughout the complaint. "Under our rules, a judicial misconduct complaint 'must contain a concise statement that details the specific facts on which the claim of misconduct or disability is based.'" In re Complaint of Judicial Misconduct, 630 F.3d 968, 968–69 (9th Cir. Jud. Council 2010) (quoting Judicial-Conduct Rule 6(b)). The statement of facts must "be concise and set forth the alleged misconduct in a clear and straightforward fashion." Id. at 969. Here, complainant's allegations are difficult to understand and fails to comply with Judicial-Conduct Rule 6(b). "Misconduct complaints that don't comply with . . . Judicial-Conduct Rule 6(b) are subject to summary dismissal." Id. Because the complaint lacks clear allegations of misconduct, it must be dismissed.

DISMISSED.