

MAY 4 2021

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

Nos. 20-90133 and 20-90134

ORDER**THOMAS**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a magistrate judge and 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 filed two civil rights cases and alleges that the named judges denied complainant her due process rights because they refused to issue summons to the defendants in those two cases. This allegation directly relates to the merits of the case and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Additionally, a review of the docket reveals that complainant was given multiple opportunities in both cases to amend her complaint. In one of the two cases, complainant was given multiple opportunities to amend her complaint and numerous extensions of time to file her amended complaints. Despite these opportunities, complainant failed to submit her second amended complaint on time. Similarly, in the second of the two cases, complainant was provided with an opportunity to amend her complaint but failed to do so before the given deadline.

Despite complainant's failure to communicate with the court or file an amended complaint, the magistrate judge provided complainant, in the interests of justice, with one more opportunity to show cause why the magistrate judge should not recommend dismissal. Contrary to complainant's portrayal of the proceedings, the judges provided complainant with numerous opportunities to move forward with her case.

DISMISSED.