

FILED

MAY 26 2021

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 20-90151

ORDER

THOMAS, Chief Judge:

Complainant, a pro se prisoner, 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.

The instant misconduct complaint does not contain any allegations of judicial misconduct against the named judge. Rather, the complaint is a list of various cases, only two of which involve the named judge. “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 brief statement of facts required” must “be concise and set forth the alleged misconduct in a clear and straightforward fashion.” Id. at 969. Because the complaint lacks clear allegations of misconduct, it must be dismissed.

DISMISSED.