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

No. 21-90007

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 alleges that the district judge "consented his error caused by fraud" during a hearing in order to deny complainant's motion for reconsideration and motion for a writ under the All Writs Act. A review of the hearing transcript reveals that no such incident occurred. Accordingly, this allegation is dismissed as unfounded and conclusively refuted by objective evidence. See 28 U.S.C. § 352(b)(1)(A)(iii), (B).

Complainant next alleges that the district judge retaliated against complainant for challenging the judge's rulings. In support of his allegation, complainant points to several docket entries and claims that they demonstrate that the judge harassed complainant. These docket entries are the judge's denial of complainant's motion for a writ, the judgment in the case, and a motion for reconsideration of the denial of the writ. There is no harassing language in any of these documents, and complainant provides no objectively verifiable evidence in support of his allegation of harassment. This allegation is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 583 F.3d 598 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule

11(c)(1)(D).

Complainant also alleges that the judge “eliminated the ‘subsidiary documents’ and turned contract into an arm’s-length garden-variety contract for a ruling in favor of the defense.” In support of his allegation, complainant points to the judge’s order granting defendant’s motion to dismiss. In that order, the judge quoted various passages from the contract at issue before concluding that there was no factual allegation that could support complainant’s claim that the contract was fraudulent. To the extent complainant is alleging that the judge eliminated documents or changed the nature of the contract at issue in any way, that allegation is dismissed as unfounded and conclusively refuted by the record. See 28 U.S.C. § 352(b)(1)(A)(iii), (B).

Finally, complainant alleges that the judge improperly denied several of his motions. These allegations are related to the merits of the case and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009).

DISMISSED.