

**FILED**

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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**

Nos. 21-90026, 21-90027,  
21-90028, 21-90029 and  
21-90062

**ORDER**

**THOMAS**, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against two circuit judges, a district judge, and two magistrate judges. 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 a petition for writ of habeas corpus. In the instant misconduct complaint, he alleges that a district judge and a magistrate judge illegally dismissed his case. This allegation is related to the merits of the case and must be dismissed on that ground. 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).

Complainant also alleges that the district judge and magistrate judge are “schizophrenic nut cases” and “government killers.” Complainant raised similar allegations against these two judges in a previous misconduct complaint, which were dismissed as unfounded. See In re Complaint of Judicial Misconduct, Nos. 20-90065 and 20-90066 (9th Cir. Jud. Council Oct. 19, 2020). Accordingly, the previous order makes further action on these charges unnecessary.

Complainant also alleges that another magistrate judge retaliated against him by illegally ignoring various motions he filed. Adverse rulings are not proof of misconduct, and complainant provides no objectively verifiable evidence to

support this conclusory allegation, which is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 715 F.3d 747, 749 (9th Cir. Jud. Council 2013) (“As we have frequently held, adverse rulings, standing alone, are not proof of misconduct”); In re Complaint of Judicial Misconduct, 569 F.3d 1093 (9th Cir. Jud. Council 2009) (“claimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the circuit judges illegally refused to provide him with an appeal. Complainant alleges that the circuit judges are “brainless idiots” who suffer from mental diseases. Complainant provides no evidence in support of his allegation of mental disability. Additionally, his allegation that the circuit judges improperly denied his request for a certificate of appealability is merits-related and must be dismissed on that ground. 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).

Finally, complainant alleges that all five judges are conspiring with each other, the Bureau of Prisons, and the Department of Justice to deprive him of his rights. Complainant has raised this allegation in every misconduct complaint he has filed. Those allegations were all dismissed as unfounded. Similarly, in the

instant misconduct complaint, complainant fails to provide evidence in support of this allegation of conspiracy. Accordingly, this allegation must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii).

Complainant has now filed seven misconduct complaints against nine different judges, raising allegations that have been dismissed as merits-related or unfounded. Additionally, in many of his misconduct complaints, complainant brings allegations that are fundamentally the same charges, but directed toward different judges. In other misconduct complaints, he repeatedly brings similar allegations against the same judges. Complainant is cautioned that a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.”

Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009).

**DISMISSED.**