

**FILED**

SEPT 29 2022

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 21-90103, 21-90104,  
21-90105, 21-90106, 21-90107,  
21-90108, 21-90109, 21-90110,  
21-90111, and 21-90112

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against six circuit judges, one 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 judges 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 all nine judges have ignored the law and are trespassers of the law. Most of these allegations are conclusory. However, complainant provides some information in support of a few of these allegations. For instance, he argues that three circuit judges ignored the law and denied him his constitutional rights when they dismissed his appeal as frivolous. He also argues that a district judge and a magistrate judge trespassed on the law by allowing a state court to violate complainant's constitutional rights and by making a false statement that complainant is a vexatious litigant. A review of the docket reveals that neither the district judge nor the magistrate judge made any statements related to vexatious litigants, generally or as it relates to complainant. These allegations are merits-related and must be dismissed on that ground. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Jud. Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (dismissing allegations that a district judge and magistrate judge

made various improper rulings as merits-related); Judicial-Conduct Rule 11(c)(1)(B).

Complainant next alleges that six circuit judges, a district judge, and a magistrate judge may have physical or mental disabilities which make them unable to discharge the duties of the courts. Complainant also alleges that three circuit judges, a district judge, and a magistrate judge engaged in conduct prejudicial to the effective and expeditious administration of the business or the courts.

Complainant provides no information in support of these speculative and conclusory allegations which must be dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Jud. Misconduct, 687 F.3d 1188, (9th Cir. Jud. Council 2012) (dismissing allegation of racial bias because complainant did not provide any objectively verifiable evidence such as names of witnesses, recorded documents, or transcripts); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also brings vague allegations related to HIPPA violations, a state court judge, and a medical misdiagnosis by a state government agency. To the extent that complainant raises allegations against state court judges or state government agencies, these charges must be dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 1; In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud.

Council 2009) (dismissing allegations against court staff, attorney, and prison officials because the misconduct complaint procedure applies only to federal judges).

Finally, complainant alleges that a district judge acted as a trespasser of the law due to complainant's race, color, and disability. Complainant provides no objectively verifiable evidence in support of this allegation, which must be 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”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant has now filed ten 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. 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) (ordering complainant, who filed sixteen misconduct

complaints that were all dismissed as either conclusory or merits-related, to show why he should not be sanctioned by an order requiring him to obtain leave before filing any further misconduct complaints).

**DISMISSED.**