

June 22 2023

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 21-90133, 21-90134,  
21-90135, 21-90136, 21-90143,  
21-90144, 21-90145, 21-90152,  
21-90153, 21-90154, 21-90155,  
21-90156, 21-90157, 21-90158,  
21-90159, 22-90023, 22-90024,  
22-90025, 22-90037, 22-90061,  
22-90062, 22-90063, 22-90064,  
and 22-90101

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against nine circuit judges, five bankruptcy judges, and one 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 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.

A majority of the complainant’s allegations relate to an underlying bankruptcy matter from 1984. First, complainant alleges that a bankruptcy judge improperly denied complainant’s motion to vacate the order to dismiss his bankruptcy matter from 1984 in addition to making several other improper rulings on issues related to his 1984 bankruptcy matter. Additionally, he alleges that the bankruptcy appellate panel, consisting of three bankruptcy judges, that reviewed complainant’s appeal of those decisions improperly denied complainant’s motion for reconsideration, which, complainant argues, can only be driven by bias or prejudice. Complainant further alleges that the circuit judges who reviewed the bankruptcy appellate panel’s decision also improperly deemed complainant’s appeal as frivolous. Complainant alleges that the judges “do not know the law or

some form of incapacity may have afflicted the judges.” Complainant provides no objectively verifiable evidence in support of this allegation. Furthermore, all the allegations are merits-related and must be dismissed on that ground. See 28 U.S.C. § 352(b)(1)(A)(ii) (listing reasons the chief judge may decide to dismiss the complaint, including claims directly related to the merits of a decision); In re Complaint of Judicial 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).

Next, complainant alleges that three circuit judges made an improper ruling regarding a trustee in one of his bankruptcy matters. Complainant further alleges that when the case was sent back to the district judge, the district judge erroneously closed the case. These allegations are merits-related and are dismissed on that ground. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial 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).

Finally, complainant states that he participated in lending millions of dollars to a celebrity, and complainant alleges that a bankruptcy judge erroneously dismissed the case. Complainant further alleges that when he appealed the ruling

to the Ninth Circuit, three circuit judges erroneously dismissed the appeal. As these allegations are related to the merits of the case, they must be dismissed on that ground. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of Judicial 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).

Prior to the instant complaint, complainant filed four misconduct complaints against six judges. All four of these previous complaints were related to the 1984 bankruptcy matter and dismissed as merits-related or unfounded. Here, in the instant complaint, complainant filed seven complaints against fifteen judges, which have been consolidated and addressed in the instant order.<sup>1</sup> Complainant has now filed twelve misconduct complaints against a total of twenty judges, raising allegations that have been dismissed as merits-related and unfounded. In a previous order, then Chief Judge Thomas cautioned complainant that repetitive, harassing, or frivolous complaints may result in complainant being restricted from filing further complaints. See In re Complaint of Judicial Misconduct, No. 18-90098. Accordingly, complainant is ordered to show cause why he should not be sanctioned by a restrictive filing order. See Judicial-Conduct Rule 10(a); In re

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<sup>1</sup> The case numbers in this order reflect the number of judges complainant named in his seven complaints. Some judges are named more than once and were given multiple complaint numbers accordingly.

Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009) (ordering complainant to show cause why he should not be sanctioned after filing sixteen misconduct complaints that were dismissed as conclusory or merits-related).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

**DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.**