

**FILED**

June 22 2023

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 21-90149

**ORDER**

**MURGUIA**, 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 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 committed fraud, forgery, and perjury. Complainant also alleges that the district judge changed his case number more than ten times during 32 years and violated labor laws. Complainant provides no objectively verifiable evidence in support of these allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Jud. Misconduct, 900 F.3d 1163 (9th Cir. 2018) (dismissing allegations that subject judges engaged in racketeering, bribery, conspiracy, kidnapping, and other criminal acts because complainant provided no objectively verifiable evidence in support of those allegations); Judicial-Conduct Rule 11(c)(1)(D).

Next, complainant alleges that the district judge does not listen to complainant, will not see complainant in person, and improperly dismissed his complaint. A review of the record reveals that complainant was declared to be a vexatious litigant who did not obtain a court order or written authorization from a judge prior to submitting these requests. Accordingly, these allegations are merits-

related because they are related to a declaration that complainant is a vexatious litigant 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 made various improper rulings as merits-related); Judicial-Conduct Rule 11(c)(1)(B).

**DISMISSED.**