

Nov.1 2023

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

No. 22-90019

**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.

This misconduct complaint arises out of civil cases connected to the complainant's bankruptcy proceedings. Complainant alleges that the district judge was incompetent in his adjudication of complainant's cases, did not treat complainant with dignity, suffered from a disability, and was unfaithful to the law. 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. Jud. Council 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 frivolously accused him of being a vexatious litigant, barred his case "after it was fraudulently transferred to him," failed to enjoin the foreclosure of complainant's home, improperly barred evidentiary hearings, denied motions, and misused a pre-filing order. A review of

the record reveals that complainant was declared a vexatious litigant after filing duplicative actions with frivolous claims in the district court. Accordingly, these allegations are dismissed as merits-related because they relate to a pre-filing order and contest the underlying merits of the bankruptcy proceedings. 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); Judicial-Conduct Rule 11(c)(1)(B).

**DISMISSED.**