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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**

No. 24-90127

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 the 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 United States Attorney representing the defendants made false statements in a motion to dismiss complainant's underlying lawsuit. Based on these statements, complainant argues that the district judge had an obligation to report the attorney's alleged misconduct. Complainant further alleges that the district judge was also required to report that another district judge knew of the allegedly false statements and committed misconduct himself by failing to report the attorney. Because complainant failed to establish that the attorney made any false statements or otherwise engaged in misconduct, no reporting obligations attached to this or any other district judge. Accordingly, these allegations are dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii) (listing reasons the chief judge may decide to dismiss the complaint, including claims that are lacking sufficient evidence to raise an inference that misconduct has occurred); *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 district judge exhibited bias by accepting and relying on the allegedly false statements when granting the attorney's motion to dismiss. However, adverse rulings are not proof of bias, and complainant provides no objectively verifiable evidence to support this allegation, which is dismissed as unfounded and as an impermissible challenge to the merits of the district judge's decision. *See id.*; 28 U.S.C. § 352(b)(1)(A)(ii) (listing reasons the chief judge may decide to dismiss the complaint, including that claims are directly related to the merits of a decision); Judicial-Conduct Rule 11(c)(1)(B).

Any allegations raised against the attorney are beyond the scope of this complaint. *See* Judicial-Conduct Rule 1.

DISMISSED.