

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

JUN 10 2025

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90020

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 first alleges that the district judge engaged in improper ex parte communication with plaintiffs' counsel. However, upon further examination, complainant in fact argues that he did not receive proper notice of a case management conference, as well as an order issued via docket text. A review of the record does not support these allegations. In both instances, the docket states that "[a]ny non-CM/ECF Participants have been served by First Class Mail." Complainant fails to provide any substantive evidence that he was not served as stated on the docket. Furthermore, the docket indicates that mail from the court has been returned as undeliverable to complainant. Therefore, 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); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the district judge has demonstrated bias against complainant by failing to hold hearings for "critical motions."

Complainant also challenges the district judge's order that all parties are not permitted to file further motions "without leave of court" due to "serial filings" made by multiple parties. These allegations are dismissed because they relate directly to the merits of the judge's decisions. *See* 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); *In re Complaint of Judicial Misconduct*, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (dismissing as merits-related allegations that a judge made various improper rulings in a case); Judicial-Conduct Rule 11(c)(1)(B).

Finally, complainant alleges that the district judge has made factual misrepresentations. This allegation is based on the wording of the district judge in an order. A review of the order does not support complainant's allegations that the district judge made any factual misrepresentations; instead, complainant simply disagrees with the district judge's conclusions and decisions. Accordingly, these allegations are dismissed as unfounded and as an impermissible challenge to the merits of the judge's decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

DISMISSED.