

JUL 14 2025

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

No. 25-90042

**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 removed a child dependency matter from state court to federal district court. The case was assigned to the subject district judge. Soon thereafter, the district judge recused from the case when made aware of an alleged conflict. The only action the district judge took in the matter was to issue the recusal order.

After reviewing a misconduct complaint, a chief judge may conclude a complaint if “action . . . is no longer necessary because of intervening events.” 28 U.S.C. § 352(b)(2); *see also* Judicial-Conduct Rule 11(e) (“The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot.”). Upon receipt of the misconduct complaint and notice of the potential conflict of interest in the matter, the district judge promptly recused from the case under 28 U.S.C. § 455(a).

Moreover, because the subject judge correctly took no action in the case after immediately determining that recusal was proper, complainant's allegations are dismissed as unfounded. *See, e.g., In re Judicial Misconduct*, 605 F.3d 1060,

1062 (9th Cir. 2010) (“[a] failure to recuse may constitute misconduct only if the judge failed to recuse for an improper purpose.”).

**CONCLUDED AND DISMISSED.**