

JUL 30 2025

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

No. 25-90049

**ORDER****WARDLAW**, Circuit Judge<sup>1</sup>:

Complainant, a pro se prisoner, has filed a complaint of judicial misconduct against the chief circuit 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 complaint may be dismissed if it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, is frivolous, or lacks sufficient evidence to raise an inference

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<sup>1</sup> This complaint was assigned to Circuit Judge Kim M. Wardlaw pursuant to 28 U.S.C. § 351(c).

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.

The chief circuit judge has dismissed all of complainant's numerous prior misconduct complaints. Complainant alleges that two of these dismissals were incorrect, and that the chief circuit judge's dismissals constitute judicial misconduct. Complainant's allegations relate directly to the merits of the chief circuit judge's rulings and therefore must be dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(ii) (listing reasons to dismiss a misconduct 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 as merits-related allegations that a district judge made various improper rulings); Judicial-Conduct Rule 11(c)(1)(B); Commentary on Judicial-Conduct Rule 4 ("a complaint challenging the correctness of a chief judge's determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related.").

**DISMISSED.**