

AUG 4 2025

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

No. 25-90054

**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 name 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 alleges that the district judge issued “void and conflicting orders” during a malicious prosecution and civil rights action filed by complainant. This allegation is dismissed because it relates 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).

Complainant then alleges that the district judge improperly used the language “wholly nonsensical” in various orders dismissing complaints. The use of the phrase “wholly nonsensical” when evaluating the merits of the allegations set forth in a complaint is not improper and therefore does not constitute judicial misconduct. *See In re Complaint of Judicial Misconduct*, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014) (dismissing allegations that a judge's comments were rude, derogatory, or intemperate because the judge did not use demeaning language

or heap abuse on anyone). Therefore, this allegation is 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 4(a); 11(c)(1)(D).

Complainant also alleges that the district judge “has a pattern of dismissing matters excessively” which chills access to the courts. Complainant offers no evidence whatsoever to support this allegation, beyond the dismissal of complainant’s matter. This court has ruled that “adverse rulings are not proof of misconduct.” *In re Complaint of Judicial Misconduct*, 900 F.3d 1163, 1166 (9th Cir. Jud. Council 2018). Therefore, complainant’s meritless allegation is 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 then alleges that the district judge failed to inquire or properly account for complainant’s alleged mental illness. A review of the record indicates

complainant never informed the court of any mental illness or submitted any evidence regarding his mental health. Therefore, this allegation must be dismissed as unfounded and meritless. *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).

Finally, complainant alleges that the district judge “created an appearance of impropriety” due to certain actions that occurred before the district judge joined the federal bench. This court has held that it would be improper to sanction a judge for conduct that occurred before the judge joined the federal bench. *See In re Complaint of Judicial Misconduct*, 570 F.3d 1144, 1144 (9th Cir. Jud. Council 2009). Accordingly, this allegation is dismissed as beyond the scope of the Judicial-Conduct Rules. *See* Judicial-Conduct Rule 1 (Judicial-Conduct Rules apply only to “covered” judges).

**DISMISSED.**