

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

FILED

OCT 3 2025

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90065

ORDER

MURGUIA, Chief Judge:

Complainants, pro se litigants, have 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 complainants 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.

Complainants allege that the district judge committed misconduct by dismissing their initial civil rights complaint and by denying complainants' various motions, including motions to disqualify the district judge and a motion to correct the procedural classification of their complaint. 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); *see also* Judicial-Conduct Rule 4(b)(1) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse.").

Complainants also claim that their civil rights complaint was somehow improperly reassigned from another district judge to the subject judge. However, there is "no right to any particular procedure for the selection of the judge[.]" so

long as the decision is made “in a manner free from bias or the desire to influence the outcome of the proceedings.” *See Cruz v. Abbate*, 812 F.2d 571, 574 (9th Cir. 1987). Accordingly, this allegation is dismissed because the conduct, “even if true, is not prejudicial to the effective and expeditious administration of the business of the courts.” *See* Judicial-Conduct Rule 11(c)(1)(A).

To the extent complainants are arguing that the reassignment was improper due to any action taken by the district judge, complainants provide no objectively verifiable evidence to support this allegation. Therefore, this allegation is also 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).

Complainants also allege that the subject judge is guilty of abuse of judicial authority, tampering with the official court records, and obstruction of access to the courts. Again, complainants provide no objectively verifiable evidence to support these allegations. Therefore, these meritless allegations are dismissed as unfounded. *See id.*

Finally, complainants raise allegations against the Clerk's office in the district, which are beyond the scope of the Judicial-Conduct Rules. *See* Judicial-Conduct Rule 1 (Judicial-Conduct Rules apply only to "covered" judges).

DISMISSED.