

JAN 29 2026

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

No. 25-90066

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 committed misconduct by failing to take measures to correct problems with complainant's mail. A review of the docket does indicate that there appears to have been a delay in updating complainant's address after complainant filed a notice regarding a change in her address. This resulted in several orders and notices being returned to the court as undelivered. The district judge did acknowledge there was a problem with complainant's mail. It appears from the record that eventually complainant's address was updated and the problems with her mail ceased. Then, the district judge discussed the issue at a June 20 hearing and in several text entries on the docket. At the June 20 hearing, the district judge informed complainant that 1) the judge's chambers was not responsible for any delays; 2) it was complainant's responsibility to review all filings on the docket; and 3) complainant should consider applying for e-filing.

To the extent that complainant alleges that the district judge did not acknowledge complainant's mail being returned as undelivered, this allegation is

dismissed as unfounded and belied by the record. *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).

To the extent that complainant argues that the district judge should have taken further measures regarding her undelivered mail, such an allegation is dismissed as moot as relating 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 also challenges the district judge's order dismissing her original complaint and the district judge's order denying her motion for reconsideration. These allegations are also dismissed as relating directly to the merits of the judge's decisions. *See id.*

Finally, complainant argues that the district judge has demonstrated indifference to her and has demonstrated favoritism to defendants. However, adverse rulings are not proof of misconduct, and complainant provides no

objectively verifiable evidence to support these allegations, beyond disagreeing with the judge's decisions and rulings. 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); *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).

DISMISSED.