

**FILED**

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

JAN 22 2026  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 25-90099

**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 the 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 filed civil litigation in the district court. She alleges that the judge assigned to her case failed to timely adjudicate motions, deliberately disregarded her status as a pro se litigant with a disability, and exhibited bias by making material omissions in orders and failing to acknowledge the alleged misrepresentations of opposing counsel.

Complainant identified two motions as not being timely adjudicated. A review of the record does not support a finding of delay, as one motion was resolved in ten weeks and the other was resolved in seven weeks. Without a showing of an "improper motive in delaying a particular decision or a habitual delay in a significant number of unrelated cases," delay alone is not cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(2). Despite complainant's unsubstantiated belief that the judge "deliberately engaged in" delay tactics, she has not demonstrated an improper motive. Because there is no indication of misconduct by the district judge, this allegation is dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next challenges the judge's denial of a request for appointment of counsel, alleging that the judge deliberately disregarded her status as a pro se litigant with a disability. The judge denied complainant's request after the district's Pro Bono Coordinator determined that counsel was not warranted. 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). Moreover, the record demonstrates that after complainant filed this misconduct complaint, the Pro Bono Coordinator issued a new determination that complainant should be appointed counsel with a limited scope of representation. Although the judge followed that recommendation and appointed counsel, complainant subsequently declined the appointment and requested to proceed pro se.

Finally, complainant alleges that the judge exhibited bias against her. Specifically, she alleges that the judge's failure to acknowledge her disabilities in the order denying her request for counsel suggests "a pattern of disregard for [her] protected status." Complainant further alleges that the judge's acceptance of

opposing counsel's arguments regarding discovery requests suggests bias in favor of the defendant. Because these allegations merely challenge the judge's rulings and how they were conveyed, they are dismissed as relating directly to the merits of the judge's decisions. *See id.* Moreover, adverse rulings are not proof of bias. *See In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9<sup>th</sup> Cir. Jud. Council 2011). Because complainant provides no objectively verifiable evidence to support these allegations, beyond her own conclusory statements, they are 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 (9<sup>th</sup> 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.**