

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

NOV 28 2025

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

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90111

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a magistrate 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’s allegations focus on the magistrate judge’s actions and decisions during a phone call that resulted in the magistrate judge vacating an order setting a settlement conference. To the extent that complainant is challenging the magistrate judge’s order to vacate the settlement conference, any such challenge is dismissed because it relates directly to the merits of the judge’s decisions and order. *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 alleges that the magistrate judge became “agitated” during the phone call and made “uncivil comments” such as stating that the parties could “go on our merry way and continue to litigate” before disconnecting the call abruptly. Settlement proceedings provide unique opportunities for a judge to candidly assess whether settlement is feasible. In the order vacating the settlement conference, the

magistrate judge found that “the parties are in vehement disagreement concerning virtually every aspect of the settlement conference and have been unable to find a way to accommodate the unavailability of certain attendees.”

Given this context, complainant’s allegations do not amount to misconduct and are dismissed. *See* Judicial-Conduct Rule 11(c)(1)(A) (dismissal is warranted when the conduct alleged “even if true, is not prejudicial to the effective and expeditious administration of the business of the courts”); *see also In re Complaint of Judicial Misconduct*, 761 F.3d 1097, 1098-99 (9th Cir. Jud. Council 2014) (dismissing as unsupported allegations that a judge’s comments were rude, derogatory, or intemperate because the judge did not use demeaning language or heap abuse on anyone).

Complainant also alleges that the magistrate judge’s chambers failed to respond to complainant’s email. This allegation is also dismissed as not constituting misconduct. *See* Judicial-Conduct Rule 11(c)(1)(A).

Finally, complainant claims that the magistrate judge is colluding with another judge and opposing counsel “to obstruct settlement by any means necessary.” Complainant provides no objectively verifiable evidence to support these baseless allegations, beyond disagreeing with the judge’s decisions and orders. 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.