

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. 25-90112

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 how the magistrate judge addressed opposing counsel's misconduct when opposing counsel violated certain local rules for the district. A review of the record indicates that the magistrate judge has issued a number of orders addressing complainant's arguments regarding opposing counsel's actions. The record indicates that the magistrate judge has referred one of the attorneys in question, as well as the attorney's firm, to the court's Standing Committee on Professional Conduct, and admonished another attorney regarding the conduct in question. Complainant has raised her arguments regarding opposing counsel numerous times; the magistrate judge has addressed these concerns in multiple orders.

Complainant alleges that the magistrate judge committed misconduct by mishandling complainant's issues concerning opposing counsel. This includes denying various motions and requests filed by complainant, including a motion for injunctive relief, failing to explicitly address other motions and requests regarding opposing counsel, and ordering complainant to respond to discovery requests

issued by opposing counsel. Complainant also challenges the magistrate judge’s order dismissing her underlying action for failure to comply with the judge’s order that complainant respond to discovery. All these allegations are dismissed because they relate directly to the merits of the judge’s decisions and orders. *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 argues that all of the magistrate judge’s actions demonstrate an “intentional, long-standing campaign of denying justice” by the magistrate judge. 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 orders. Furthermore, a review of the record reveals that the magistrate judge exhibited a great deal of patience and understanding at hearings during which complainant continuously and repeatedly raised the same arguments and objections regarding opposing counsel. 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.