

**FILED**

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

NOV 24 2025  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

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**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

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No. 25-90113

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, an attorney, 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 alleges that the judge exhibited bias against him. As background, the judge had previously ruled against complainant in a criminal matter. Complainant successfully challenged the judge's ruling on appeal. As a result, complainant believes that the judge harbors animosity toward him. Subsequently, complainant, acting as defense counsel, had another criminal matter assigned to the same judge. Complainant alleges that the judge should have been recused from hearing the criminal matter based on this alleged animosity and that the judge's conduct during the criminal trial demonstrated bias against him.

The allegation that the judge should have been recused from the criminal matter is dismissed because “[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse.” Judicial-Conduct Rule 4(b)(1). *See also* 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).

Regarding the judge’s conduct during trial, complainant asserts that the judge imposed a “gueling” schedule and improperly denied his request to question the jurors about a thank you card they had sent to the judge. The decision to not allow counsel to question the jurors about the card “is not prejudicial to the effective and expeditious administration of the business of the courts.” *See* Judicial-Conduct Rule 11(c)(1)(A). 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 the allegations of bias or animosity, they 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).

To the extent complainant challenges the judge’s trial schedule or rulings, such 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); *In re Complaint of Judicial Misconduct*, 838 F.3d 1030 (9th Cir. Jud. Council 2016); Judicial-Conduct Rule 11(c)(1)(B).

**DISMISSED.**