

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**

Nos. 25-90115, 25-90116

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a district judge and 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 judges 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 improperly dismissed complainant's action as duplicative of another action complainant filed.

Complainant further alleges that the district judge committed misconduct by failing to recuse from complainant's matter. These 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) (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); *see also* Judicial-Conduct Rule 4(b)(1) ("Cognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse.").

Complainant also alleges that the magistrate judge failed to take any action, without specifying what action the magistrate judge was supposed to take.

Complainant then claims that certain documents were not docketed in a timely manner, the district judge delayed in acting on a recusal motion, and that the judges' failure to act on her complaint has denied her constitutional rights and demonstrates a pattern of corruption and willful misconduct by the judiciary.

A review of the record does not support any of complainant's allegations. At most, it took several days for certain documents to be entered onto the docket, and judges are not in control of how quickly documents are entered onto a docket. The recusal motion in question was referred to another judge three days after it was filed. Furthermore, adverse rulings are not proof of misconduct, and complainant provides no objectively verifiable evidence to support these allegations, beyond disagreeing with the judges' 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.