

**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. 25-90130

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pretrial detainee, 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 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's decision to strike certain filings from the record constituted an abuse of discretion and possibly indicates that the judge is conspiring with the prosecution. A review of the docket demonstrates that the judge, consistent with the district's local rules, struck documents filed pro se by complainant and by complainant's daughter, because complainant is represented by counsel.

Adverse rulings are not proof of bias or conspiracy. *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, 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 (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). Further, to the extent complainant challenges the judge’s decision to strike the documents, the allegation is dismissed because it relates directly to the merits of the judge’s rulings. *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).

**DISMISSED.**