

**FILED**

APR 14 2026

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 25-90131, 25-90132, 25-  
90133

**ORDER**

**WARDLAW**, Circuit Judge<sup>1</sup>:

Complainants, pro se litigants, have filed a complaint of judicial misconduct against three district judges. 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 complainants 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

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<sup>1</sup> This complaint was assigned to Circuit Judge Kim McLane Wardlaw pursuant to 28 U.S.C. § 351(c).

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.

As background, complainants, husband and wife, have filed a number of lawsuits in district court. Their lawsuits have been dismissed by various district judges, some of whom are named in this complaint. They also have filed several judicial misconduct complaints, which also have been dismissed.

Here, complainants allege that the first district judge committed misconduct by improperly dismissing their action as duplicative of a previously filed action and by improperly ruling on their motion for sanctions and other motions. Complainants also allege that the second district judge improperly dismissed a different action without a hearing. Complainants then allege the third district judge improperly denied their recusal motion regarding the first district judge.

All these arguments constitute challenges to the merits of the judges' decisions. "Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge — without more — is merits-related. The

phrase ‘decision or procedural ruling’ is not limited to rulings issued in deciding Article III cases or controversies.” Commentary on Judicial-Conduct Rule 4. Therefore, these allegations are dismissed. *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).

Complainants also include a litany of other allegations against the district judges. Complainants allege that decisions were made “without proper review,” that they were denied “meaningful access to the courts,” that a ruling calling one of their complaints “frivolous” constituted “retaliatory and prejudicial language,” and other such accusations. However, complainants provide no objectively verifiable evidence to support these allegations, beyond disagreeing with the judges’ decisions and orders. Furthermore, adverse rulings are not evidence of misconduct. *See In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). 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).

Complainants also accuse the first district judge of failing to refer their recusal motion to another judge. As noted above, the record indicates the recusal motion was referred to the third district judge, who denied the motion. Therefore, this allegation is dismissed as unfounded and belied by the record. *See id.*

**DISMISSED.**