

JAN 30 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90140

ORDER**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, 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 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 alleges that the district judge improperly delayed acting for more than 30 days on a motion for a temporary restraining order and preliminary injunction ("TRO motion"). Complainant also alleges that the district judge improperly delayed ruling on a motion seeking the recusal of the district judge ("recusal motion").

A review of the record indicates that three days after complainant filed her TRO motion, the district judge referred the TRO motion to a magistrate judge for a report and recommendation. The record also indicates that the district judge denied the recusal motion three weeks after it was filed. Complainant claims another, earlier recusal motion was never ruled upon, but no such recusal motion appears on the docket. Therefore, these allegations are dismissed as unfounded and belied by the record. *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*, 715 F.3d 747, 749 (9th Cir. Jud. Council 2013)

(“As we have frequently held, adverse rulings, standing alone, are not proof of misconduct”); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district judge improperly “failed to act” on her request to proceed *in forma pauperis* (“IFP request”). A review of the record indicates that the district judge denied the IFP request less than three weeks after it was filed because complainant had already paid the filing fee. Therefore, this allegation is also dismissed as unfounded and belied by the record. *See id.*

Finally, complainant alleges that the district judge somehow blocked the filing of another, separate complaint that complainant attempted to file, and that the district judge attempted to block the progress of her appeal by not ruling on a post-judgment motion. Complainant provides no objectively verifiable evidence to support these allegations. The record indicates that complainant’s appeal was resolved less than four months after the appeal was filed. Therefore, these allegations are also dismissed as unfounded and belied by the record. *See id.*

DISMISSED.