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

No. 25-90155

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 filed an emergency motion to disqualify a judge, not named in this complaint, that was assigned to complainant's case. Complainant requested the district judge, the chief judge of the district, review her motion. The district judge determined that the emergency motion should be remanded back to the judge originally assigned to complainant's case.

Complainant alleges this decision constituted misconduct because the district judge, as the chief judge of the district, was required to act on her evidence of misconduct. Complainant's challenge to the order is dismissed because it relates directly to the merits of the judge's decision. *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.”).

Furthermore, complainant raised allegations of misconduct against the judge initially assigned to her matter in a separate judicial misconduct complaint. Those allegations are without merit, as discussed in a separate order. *See In re Complaint of Judicial Misconduct*, Complaint Nos. 25-90115, 25-90116. Therefore, complainant’s allegation that the district judge failed to act on evidence of misconduct is dismissed. *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); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district judge committed misconduct by failing to respond to her letter asking for clarification. This allegation is dismissed because such an allegation, even if true, does not constitute misconduct. *See* Judicial-Conduct Rule 11(c)(1)(A) (dismissal is warranted when the conduct alleged “even if true, is not prejudicial to the effective and expeditious administration of the business of the courts”).

DISMISSED.