

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MAR 6 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90157

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 dismissed his complaint and that the district judge failed to substantively review his filings because “there were no findings, no legal analysis, and no explanation in the record.” Complainant asserts that the district judge's actions have caused him “unnecessary delay” and have prejudiced him.

Complainant argues that the judge's decision to dismiss his complaint was improper. “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.” *See* Commentary on Rule 4. Accordingly, this allegation is dismissed as a challenge to the merits of the district 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).

As to complainant's allegation that the district judge failed to substantively review his materials, a review of the record indicates that the district judge's order discussed complainant's allegations and claims in some detail before dismissing the complaint as frivolous. Therefore, this allegation is 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*, 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).

Complainant's allegation regarding "unnecessary delay" and prejudice are also not supported by the record. The district judge dismissed complainant's case a little more than two weeks after complainant initiated his action. There was no delay or prejudice; thus, this allegation is also dismissed as unfounded. *See id.*

DISMISSED.