

**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**

Nos. 25-90160, 25-90161,  
25-90162, 25-90163

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against two district judges and two magistrate 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 complainant 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 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.

Although the complaint is difficult to decipher, complainant seems to allege that one district judge improperly dismissed her underlying lawsuit, which asserted what appears to be civil rights related claims, as well as several motions to seal certain documents.

These allegations challenge the district judge's 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." *See* Commentary on Rule 4. Accordingly, these allegations are dismissed as a challenge to the merits of the district judge's decisions. *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).

Complainant raises allegations regarding a prefiling order, but a review of the record indicates that the prefiling order in question was entered in state court. Because this order is not attributable to any federal judge, it is beyond the scope of the Judicial-Conduct Rules. *See* Judicial-Conduct Rules 1(b).

Complainant also asserts allegations against a second district judge and a magistrate judge, but these judges took no action in the matter in question before the case was reassigned. Thus, 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); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also raises allegations regarding merits decisions made by a second magistrate judge who has recently retired. The rules governing misconduct only apply to active judges, so the magistrate judge's recent retirement is an intervening event that renders "action on the complaint no longer necessary." *See* Judicial-Conduct Rules 1(b), 11(a)(3); Judicial-Conduct Rule 1 ("[a]s long as the

subject of a complaint retains the judicial office and remains a covered judge as defined in Rule 1(b), a complaint must be addressed.”).

**DISMISSED.**