

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

FILED

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

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 25-90187

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.

Here, complainant filed several motions requesting that certain sensitive documents that complainant filed be sealed. One week later, without waiting for a ruling regarding her motions, she filed this misconduct complaint.

Complainant alleges that the district judge committed misconduct by failing to act immediately on her motions to seal certain documents. Delay alone is not cognizable misconduct without a showing of an “improper motive in delaying a particular decision or a habitual delay in a significant number of unrelated cases.” Judicial-Conduct Rule 4(b)(2). Complainant does not present any evidence of improper motive or habitual delay. Furthermore, a judge not ruling on a motion in one week does not constitute delay. Accordingly, this allegation is dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant then alleges that the district judge’s failure to rule on her motion demonstrates that she is being discriminated against because other similarly situated defendants have had such motions ruled upon, presumably within a week. Complainant also believes she is being discriminated against in retaliation for

filings other misconduct complaints that she has filed against other judges in the same district. Complainant provides no objectively verifiable evidence to support these allegations. Therefore, these meritless 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).

Complainant next alleges that accommodations for her disability should have been provided by the district judge. The record does not support that complainant made a separate request for accommodations. Additionally, the subject judge was assigned to this matter for less than a month before the case was reassigned to a different judge not named in this misconduct complaint. Therefore, this allegation is also dismissed as unfounded. *See id.*

Finally, complainant raises allegations against the Clerk’s office in the district, which are beyond the scope of the Judicial-Conduct Rules. *See* Judicial-Conduct Rule 1 (Judicial-Conduct Rules apply only to “covered” judges).

**DISMISSED.**