

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

OCT 3 2025
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 25-90197, 25-90198,
25-90199, 25-90200, 25-90201

ORDER

MURGUIA, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a district judge, three circuit judges, and a magistrate 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 names of the 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.

Complainant filed litigation in the district court concerning child custody issues that was assigned to the district judge and referred to the magistrate judge. After the district judge denied complainant's motion for a preliminary injunction, complainant appealed. The three circuit judges affirmed the district judge's ruling and subsequently denied complainant's petition for rehearing en banc.

This complaint contains no allegations of judicial misconduct against the district judge. Complainant references the district judge only in his explanation of the evidence he submitted to the appellate panel. Complainant previously argued that the district judge had violated Canon 3(B)(6) of the Code of Conduct for United States Judges by failing to report fraud allegedly committed by various attorneys who complainant alleges participated in his custody litigation. Whether these attorneys committed fraud is an issue at the heart of complainant's underlying litigation, which remains pending in the district court. To the extent an allegation against the district judge exists, it is dismissed as unfounded and as an

impermissible challenge to the merits of the judge's decision. *See* 28 U.S.C.

§ 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

In a similar vein, complainant alleges that the three circuit judges ignored his evidence that the attorneys committed fraud and failed to act on the evidence of judicial misconduct presented in his reply brief, referring to his belief that the district judge violated Canon 3(B)(6). On appeal, the circuit judges affirmed the district judge's denial of complainant's request for a preliminary injunction, finding no abuse of discretion. The judges did not consider the merits of complainant's other contentions "because those issues are outside the scope of this appeal." Complainant fails to describe conduct that is "prejudicial to the effective and expeditious administration of the business of the courts." *See* Judicial-Conduct Rule 11(c)(1)(A). These allegations are also dismissed as unfounded and as impermissible challenges to the merits of the judges' decision. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

Complainant filed a petition for rehearing en banc of the circuit judges' order. While the petition was pending and being circulated to the full court, he filed five additional motions. After no judge requested a vote on whether to rehear the matter en banc, the original three circuit judges denied the petition. *See* Fed. R. App. P. 40(c). Complainant's allegation that the circuit judges "withheld" their

ruling and committed “improperly motivated delay” misapprehends the en banc process. Although complainant included the phrase “improper motive,” he did not explain what that motive might be, and offered no evidence to support its existence. Accordingly, this allegation is dismissed as unfounded and not cognizable. Without a showing of an “improper motive in delaying a particular decision or a habitual delay in a significant number of unrelated cases,” delay alone is not cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(2). *See also* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that he received “unequal” and “disrespectful” treatment from the circuit judges because the panel’s orders were not sufficiently detailed. This allegation is dismissed as unfounded and as impermissible challenge to the merits of the judges’ decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

Complainant’s remaining allegations concern the magistrate judge. Complainant attempted to file, in the district court, notices of misconduct against multiple attorneys allegedly involved in his custody dispute in the state court. Defendants moved to strike those notices under Federal Rule of Civil Procedure 12(f). The magistrate judge ordered the notices stricken after determining that there was no “reliable evidence” that misconduct occurred. Complainant alleges that this

decision constitutes suppression of evidence, as well as an improper desire to protect the attorneys, and bias against him. As support, complainant alleges that that the magistrate judge adopted “the defendants’ characterization of [his] filings as ‘immaterial, impertinent, and scandalous.’” This language comes from Fed. R. Civ. P. 12(f), not the magistrate judge or the defendants. Nothing that complainant describes suggests favoritism toward the defendants, protection of the attorneys, or bias against him. This allegation is dismissed as unfounded and as impermissible challenge to the merits of the judge’s decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(A), (B), (D).

DISMISSED.