

APR 14 2026

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

No. 25-90214

ORDER**WARDLAW**, Circuit Judge¹:

Complainants, pro se litigants, have 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 complainants 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

¹ This complaint was assigned to Circuit Judge Kim McLane Wardlaw pursuant to 28 U.S.C. § 351(c).

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.

As background, complainants, husband and wife, have filed a number of lawsuits in district court. Their lawsuits have been dismissed by various district judges, some of whom are named in this complaint. They also have filed several judicial misconduct complaints, which also have been dismissed.

Here, complainants allege that the district judge's decision to first address their lawsuit by issuing an order to show cause six weeks after complainants initiated their action demonstrates unreasonable delay and a pattern of delay by the district judge. However, 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). Complainants have not presented any objective evidence of an improper motive or a habitual delay in a significant number of unrelated cases. Accordingly, this allegation is 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).

DISMISSED.