

**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. 25-90230

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, an attorney, has filed a complaint of judicial misconduct against a bankruptcy 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 previously served as special litigation counsel to the debtor in a bankruptcy matter under 11 U.S.C. § 327(e).<sup>1</sup> Complainant is also a creditor in the bankruptcy matter.<sup>2</sup> Complainant alleges that the bankruptcy judge improperly ordered complainant to leave a hearing. Complainant alleges that the bankruptcy judge told complainant he could file an objection to the judge's decision. No such objection appears on the docket.

A review of the docket indicates that no hearing was scheduled for the date in question; rather, a court-ordered settlement conference was scheduled. A review of the scheduling order indicates complainant had not satisfied court-ordered requirements for participation in the settlement conference.

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<sup>1</sup> Complainant's employment as special counsel under 11 U.S.C. § 327(e) was for limited purpose of representing the debtor's estate in a pending state court appeal of a divorce judgment adverse to the debtor.

<sup>2</sup> Under 11 U.S.C. § 327(e), an attorney who represents a debtor-in-possession must hold or represent no interest adverse to the estate "with respect to the matter on which such attorney is to be employed."

Complainant’s allegations constitute a challenge to the bankruptcy judge’s decision to order complainant to leave the settlement conference. “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 merits related. *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).

**DISMISSED.**