

FILED

JAN 27 2026

MOLLY C. DWYER, CLERK

U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 25-90267

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 names of the 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 has filed at least eight related lawsuits in the district court, which have been assigned to the same district judge, and dismissed as frivolous or barred by claim preclusion.

Complainant alleges that the district judge issued orders that “repeated false statements” or were based on “false premises.” As support, complainant reiterates his argument that the Department of Justice has made false statements. The district judge previously considered and rejected complainant's argument. Because complainant provides no objectively verifiable evidence to support his allegations of false statements or false premises, they 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). Further, because complainant is merely challenging the district

judge's orders, the allegation is also dismissed because it relates directly to the merits of the 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).

Next, complainant challenges certain evidentiary rulings the district judge made. This allegation is also dismissed as an impermissible challenge to the merits of the judge's decisions. *See id.*

Finally, complainant raises allegations that the Clerk's office engaged in "procedural obstruction" by striking or rejecting certain filings. However, because the Clerk's office operates according to its own policies and procedures, and the Judicial-Conduct Rules apply only to "covered" judges, the allegations regarding the Clerk's office are dismissed. *See* Judicial-Conduct Rule 1.

This is the third misconduct complaint complainant has filed against this district judge, raising repetitive allegations that have been dismissed as unfounded and merits-related. *See In re Complaint of Judicial Misconduct*, Nos. 25-90081; 23-90161. Complainant has submitted numerous additional complaints,

supplements, and letters, which have been rejected for failing to comply with various rules. Complainant was previously advised that “at some point a renewed investigation may constitute harassment of the subject judge and should not be undertaken.” *See* No. 25-90081 (Order filed Sept. 5, 2025).

Complainant is cautioned that if he continues to file “repetitive, harassing, or frivolous complaints,” or to otherwise “abuse[] the complaint procedure,” he will be restricted from filing further complaints. *See In re Complaint of Judicial Misconduct*, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 10(a).

DISMISSED.