

FILED

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

APR 2 2026
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 25-90276, 26-90087,
26-90088

ORDER

MURGUIA, Chief Judge:

Complainant has filed a complaint of judicial misconduct against two district 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.

Overview

Complainant filed civil litigation against his former employer, which was assigned to the first district judge. After the litigation was dismissed and complainant was found to be a vexatious litigant, he was charged with threatening violence against the first district judge. The second district judge issued an order designating the magistrate judge to hear pretrial matters in the criminal prosecution.

Complaint Number 25-90276

Complainant alleges that the first district judge made derogatory remarks about him and treated him with hostility. After receiving a deluge of communications from complainant, the first district judge issued an order to show cause as to whether complainant should be restricted from future filings. That order warned that if complainant “continued to file any frivolous motions or otherwise engage in abusive or threatening communications,” a pre-filing order may be imposed. Ultimately, the first district judge concluded that complainant was a

vexatious litigant. Although the criminal charges would later state that complainant had made threats, the first district judge did not make this determination, contrary to complainant's description.

The allegation that the first district judge made derogatory remarks about complainant is dismissed as unfounded because complainant provides no objectively verifiable evidence to support it, and none can be found in the record. Indeed, a review of the record reflects that the first district judge treated complainant with patience and professionalism. *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).

Moreover, “[i]f the judge’s language was relevant to the case at hand — for example, a statement that a claim is legally or factually ‘frivolous’ — then the judge’s choice of language is presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an improper motive.” *See* Commentary on Rule 4. Accordingly, the allegation that the first district judge treated complainant with hostility by referring to him as “vexatious” is dismissed

because it merely challenges the judge's ruling and use of legally-relevant language. *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 or procedural ruling); *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 alleges that the first district judge targeted him for his “ancestry.” Complainant attempts to explain that he maintains a religious practice of writing down his intrusive and sometimes violent thoughts to avoid acting upon them. He goes on to explain that this practice is the reason for his near-constant stream of communications and court filings, as well as the reason he should have prevailed in his underlying lawsuit, however, he offers no specific examples of how his religion was targeted and no objectively verifiable evidence to support the allegation that the first district judge targeted him. Accordingly, this allegation is dismissed as unfounded. Judicial-Conduct Rule 11(c)(1)(D).

Complaint Numbers 26-90087, 26-90088

Complainant alleges that the second district judge committed misconduct by rejecting a motion to recuse or disqualify the first district judge. A review of the

record did not disclose any such motion filed in complainant's civil litigation. It is unclear to what complainant is referring, but even if the second district judge had denied a motion to recuse, the allegation should be dismissed because "[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling, including a failure to recuse." Judicial-Conduct Rule 4(b)(1). *See also* Judicial-Conduct Rule 11(c)(1)(B).

Next, complainant alleges that the magistrate judge "harassed" him by finding complainant to be a danger and ordering his pretrial detention. The magistrate judge conducted a hearing and evaluated several factors and pieces of evidence before determining that complainant's pretrial detention was warranted. Because this allegation merely challenges the judge's decision, it is dismissed. "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.

Finally, complainant alleges that both the second district judge and the magistrate judge have shown bias against him. Complainant seems to argue that he is unable to control his intrusive and sometimes violent thoughts, and that his practice of writing them down or reciting them out loud — which resulted in the

filing of the criminal charges – is either part of his religion or part of his mental health treatment. Complainant appears to believe that any attempt to interfere in this practice constitutes bias against him. However, adverse rulings are not proof of bias. *In re Complaint of Judicial Misconduct*, 650 F.3d 1370, 1371 (9th Cir. Jud. Council 2011). Because complainant has provided absolutely no objectively verifiable evidence to support his allegations of bias, they are dismissed as unfounded. *See* Judicial-Conduct Rule 11(c)(1)(D).

Order to Show Cause

In addition to the complaints resolved in this order, complainant has attempted to file complaints against five more subject judges who have been involved at various stages of his cases. Those complaints have not been opened because complainant has not complied with the filing requirements.

Complainant has submitted dozens of letters and emails to the Office of the Circuit Executive, which are largely identical or repetitive, and sometimes laced with vulgarity or violence.

Complainant is ordered to show cause why he should not be sanctioned by a restrictive filing order. *See* Judicial-Conduct Rule 10(a); *In re Complaint of Judicial Misconduct*, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009) (ordering complainant to show cause why he should not be sanctioned after filing sixteen

misconduct complaints that were dismissed as conclusory or merits related).

Complainant has thirty-five days from the filing of this order to file a response, which will be transmitted to the Judicial Council for its consideration.

DISMISSED and COMPLAINANT ORDERED TO SHOW CAUSE.