

**FILED**

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

JAN 22 2026  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 25-90286

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, an attorney, 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 represented an employee who sued his employer regarding eligibility for disability benefits. Complainant alleges that the district judge's "inability to perform elementary arithmetic" is a disability "that impairs a judge's capacity to perform."

To support this allegation, complainant points to the judge's order entering judgement in favor of the defendants and describing the medical evaluations of multiple doctors. In concluding that the benefits administrator had not abused its discretion, the judge acknowledged that the medical findings were open to different interpretations. Complainant calls one of the judge's interpretations "mathematically impossible."

The judge's passing reference was neither mathematically impossible nor dispositive to the case. Complainant's singular example is insufficient to raise an inference of cognitive impairment "rendering a judge unable to discharge the duties of the particular judicial office." *See* Judicial-Conduct Rule 4(c). Because complainant provides no objectively verifiable evidence to support this allegation,

it 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.**