

Dec.13 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**Nos. 22-90034, 22-90035, and  
22-90036**ORDER****MURGUIA**, Chief Judge:

Complainant, a pro se litigant, has filed three complaints of judicial misconduct against three district judges. Review of these complaints 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.

Complainant alleges that the district judges failed to perform their duties, colluded with defense counsel, are culpable of committing a crime, denied complainant's "right to present his case," and denied complainant "a fair trial." Complainant does not provide any evidence in support of these vague and conclusory allegations, which are dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); In re Complaint of Judicial Misconduct, 900 F.3d 1163 (9th Cir. Jud. Council 2018) (dismissing as unfounded allegations that subject judges engaged in racketeering, conspiracy, and other criminal acts because complainant failed to provide objectively verifiable evidence in support of these allegations); Judicial-Conduct Rule 11(c)(1)(D).

Complainant also alleges that the district judges violated the Federal Rules of Evidence "in making [their] rulings" by accepting a purportedly false declaration. These allegations directly relate to the merits of the judges' rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Complaint of

Judicial Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016); Judicial-Conduct Rule 11(c)(1)(B).

To the extent that complainant presents allegations against defendant's counsel in the underlying proceedings, these allegations are not reviewable under the Judicial-Conduct Rules and must be dismissed. The judicial misconduct process applies only to active federal judges. See Judicial-Conduct Rule 4.

**DISMISSED.**