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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT****No. 22-90113****ORDER¹****MURGUIA, Chief Judge:**

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against 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 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

¹ **The font in this order has been modified at complainant’s request.**

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 first alleges that the magistrate judge should have recused himself from hearing the case after it was remanded following appeal. Allegations that a judge erred in failing to recuse are merits related and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 4(b)(1) (“Cognizable misconduct does not include an allegation that calls into question the correctness of a judge’s ruling, including a failure to recuse.”); 11(c)(1)(B).

Further, the magistrate judge's acceptance of complainant's case on remand did not provide a sufficient basis to challenge the denial of complainant's recusal motion. Therefore, the allegation regarding recusal is also dismissed as baseless. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that the magistrate judge prevented him from being heard during hearings and sabotaged his case. A review of the record belies this allegation, which is dismissed as unfounded. See id.

Finally, complainant alleges that the magistrate judge relied on false and deceptive information, possibly because he was colluding with opposing counsel. To the extent complainant argues that the magistrate judge's decisions were erroneous, such an allegation relates directly to the merits of the rulings, and therefore must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii) (listing reasons the chief judge may decide to dismiss the complaint, including claims 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 district judge made various improper rulings in a civil case); Judicial-Conduct Rule 11(c)(1)(B). As to any allegation of collusion, complainant offers no evidence, and none can be found in the record. Accordingly, this allegation is dismissed as unfounded. See 28 U.S.C. § 352(b)(1)(A)(iii); 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.