

**FILED**

MAY 22 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 23-90061, 23-90062

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a magistrate judge and 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 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 magistrate judge issued an order that included a false statement. The record reflects that the order included a minor misstatement that had no impact on the case. Accordingly, this allegation is dismissed because the conduct, "even if true, is not prejudicial to the effective and expeditious administration of the business of the courts." See Judicial-Conduct Rule 11(c)(1)(A).

Complainant next alleges that certain rulings were inconsistent and indicate that both the district judge and the magistrate judge may require "medical attention." A review of the record demonstrates that the rulings were not inconsistent, and complainant has provided absolutely nothing to suggest that either judge is unable to discharge their duties. Accordingly, this allegation is dismissed because it fails to state a claim of misconduct or disability, it is entirely unfounded, and it challenges the merits of the judges' decisions. See 28 U.S.C. § 352(b)(1)(A)(ii), (iii); In re Complaint of Judicial Misconduct, 569 F.3d 1093

(9th Cir. Jud. Council 2009) (“complainant’s vague insinuations do not provide the kind of objectively verifiable proof that we require”); Judicial-Conduct Rule 11(c)(1)(A), (B), (D).

**DISMISSED.**