

**FILED**

JUN 28 2024

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 23-90124, 23-90125, and  
23-90126

**ORDER**

**MURGUIA**, Chief Judge:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against a chief district judge and two district judges. 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 chief district judge exceeded his authority and engaged in discrimination by issuing an order requiring masks to be worn inside the courthouse during the pandemic. However, such an order was well within the chief judge's authority. See 28 U.S.C. § 2071(a) ("The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business."). This conclusory allegation 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) ("complainant's vague insinuations do not provide the kind of objectively verifiable proof that we require"); Judicial-Conduct Rule 11(c)(1)(D).

Complainant next alleges that one of the district judges was similarly wrong for requiring masks in his courtroom. The allegation is also dismissed as

unfounded. See id.

Finally, complainant named a second district judge in the complaint, but made no allegations against him within the statement of facts, as required by Ninth Circuit Local Rule 6.1(b). Nevertheless, a review of the voluminous supplemental filing shows that the allegations raised against the second district judge have already been addressed in misconduct complaint number 23-90081, also filed by complainant, and will not be repeated here. See In re Complaint of Judicial Misconduct, No. 10-90023 (9th Cir. Jud. Council 2010) (when complainant previously filed two materially identical complaints against the same judge, the new complaint must be summarily dismissed).

Complainant also vaguely alleges wrongdoing by various politicians, police officers, and the Center for Disease Control. Because the Judicial-Conduct Rules apply only to active federal judges, these allegations must be dismissed. See Judicial-Conduct Rule 1.

**DISMISSED.**