

FILED

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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**

Nos. 23-90149, 23-90150,
23-90151, 23-90152, 23-90153,
23-90154, 23-90155

ORDER

GOULD, Circuit Judge¹:

Complainant has filed a complaint of judicial misconduct against seven circuit 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

¹This complaint was assigned to Circuit Judge Ronald M. Gould pursuant to 28 U.S.C. § 351(c).

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).

Complainant alleges that the seven named circuit judges “have not fulfilled their Oath” and that the case identified in the complaint and heard by an *en banc* panel including these judges “circumvented the normal course of action.”

Complainant contends that the named judges did not “act[] in accordance with Supreme Court guidance established in relevant case-law.” The underlying case has a long procedural history and has received attention from the media and the public. Complainant does not identify specific actions taken by the named judges.

To the extent Complainant challenges the rulings made in the case, such an allegation relates directly to the merits of the judges’ decisions and may be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii) (allowing the chief judge to dismiss the complaint if it is “directly related to the merits of a decision or procedural ruling”); In re Complaint of Judicial Misconduct, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (dismissing allegations “relat[ing] directly [to] the merits of the judges’ rulings”); Judicial-Conduct Rule 11(c)(1)(B).

To the extent Complainant alleges misconduct by the judges, Complainant

does not provide evidence to support such allegations. See 28 U.S.C.

§ 352(b)(1)(A)(iii) (allowing the chief judge to dismiss the complaint if it lacks

“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)

(“[C]laimant’s vague insinuations do not provide the kind of objectively verifiable proof that we require.”); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.