

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 24-90020

ORDER

MURGUIA, Chief Judge:

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

After the district judge granted defendants' motion for judgment on the pleadings and dismissed complainant's action, complainant filed the instant misconduct complaint. Complainant alleges that the district judge quoted complainant out of context and twisted his words in determining that complainant was asserting "sovereign citizen" arguments, and that by doing so, the district judge improperly equated complainant with a domestic terrorist. A review of the record indicates that in his complaint, complainant asserted that the state in which he resides "is a fiction of law," that a state court is a "kangaroo court" with no jurisdiction over him, and that he is a "[s]overeign man" of the state who "is not a subject or citizen of" the state. The district judge's conclusion that complainant's arguments are consistent with the concepts espoused by the "sovereign citizen" movement is well supported. The district court at no point equated complainant with a domestic terrorist.

Accordingly, these meritless allegations are 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); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.