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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. 24-90112, 24-90113,
24-90114

ORDER

MURGUIA, Chief Judge:

Complainants, four pro se litigants, have filed a complaint of judicial misconduct against a magistrate 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 the complainants 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.

Complainants allege that the magistrate judge lied and committed fraud on the court in several instances. The record reflects, however, that the complainants merely disagree with the magistrate judge's decisions in the underlying case. Because adverse rulings are not proof of bias, *see In re Complaint of Judicial Misconduct*, 838 F.3d 1030 (9th Cir. Jud. Council 2016), these allegations are dismissed as unfounded and as impermissible challenges to the merits of the judge's decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii) (listing reasons the chief judge may decide to dismiss the complaint, including that claims are directly related to the merits of a decision, or that claims are lacking sufficient evidence to raise an inference that misconduct has occurred); Judicial-Conduct Rule 11(c)(1)(B), (D).

Next, complainants allege that the magistrate judge called them "ignorant and stupid" by expressing concern that they would not be able to correct deficiencies in their pleading. The record reflects that the magistrate judge explained the deficiencies and granted the complainants leave to amend. At no

time did the magistrate judge use the words “ignorant and stupid” or express that sentiment. This allegation is dismissed as unfounded and belied by the record. *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).

Next, the complainants allege that the first district judge “perpetuated,” and the second judge “went along with,” the lies and fraud allegedly committed by the magistrate judge. Because the complainants failed to establish any wrongdoing by the magistrate judge, they have similarly failed to demonstrate any wrongdoing by the first or second district judge. These allegations are dismissed as unfounded. *See id.*

Finally, complainants allege that the second district judge called them names and accused them of “judge shopping.” This allegation is belied by the record, which reveals absolutely no name-calling. The reference to “judge shopping” appears in a parenthetical quotation from a case cited in an order and does not amount to an accusation. Accordingly, this allegation is dismissed as unfounded and as an impermissible challenge to the merits of the judge’s decision. *See* 28 U.S.C. § 352(b)(1)(A)(ii), (iii); Judicial-Conduct Rule 11(c)(1)(B), (D).

DISMISSED.