

FILED

NOV 29 2024

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 24-90124

ORDER

WARDLAW, Circuit Judge¹:

Complainant, a pro se litigant, has filed a complaint of judicial misconduct against the chief circuit 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 complaint may be dismissed if it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, is frivolous, or lacks sufficient evidence to raise an inference

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

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.

The chief circuit judge dismissed several of complainant's previous misconduct complaints. Complainant alleges that these dismissals constitute "whitewashing" of fraud by the courts and demonstrate the systemic corruption of the court system. Complainant also alleges that the chief circuit judge is discriminating against his rights and is protecting her "cronies."

Complainant's groundless allegations are entirely based on the chief circuit judge's dismissal of complainant's previous misconduct complaints. Adverse rulings alone do not demonstrate misconduct. *See In re Complaint of Judicial Misconduct*, 583 F.3d 598, 598 (9th Cir. 2009). Complainant fails to provide any objectively verifiable evidence supporting his meritless allegations, which are dismissed as unfounded. *See* 28 U.S.C. § 352(b)(1)(A)(iii) (listing reasons to dismiss a misconduct 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) ("claimant's

vague insinuations do not provide the kind of objectively verifiable proof that we require.”); Judicial-Conduct Rule 11(c)(1)(D).

To the extent complainant challenges the dismissal of his previous misconduct complaints, such a challenge relates directly to the merits of the chief circuit judge’s rulings, and therefore must be dismissed. *See* 28 U.S.C.

§ 352(b)(1)(A)(ii) (listing reasons to dismiss a misconduct complaint, including claims directly related to the merits of a decision); *In re Complaint of Judicial Misconduct*, 838 F.3d 1030 (9th Cir. Jud. Council 2016) (dismissing as merits-related allegations that a district judge made various improper rulings in a civil case); Judicial-Conduct Rule 11(c)(1)(B); Commentary on Judicial-Conduct Rule 4 (“a complaint challenging the correctness of a chief judge’s determination to dismiss a prior misconduct complaint would be properly dismissed as merits-related.”).

DISMISSED.