

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

The purpose of this complaint procedure is to determine whether a judge has engaged in misconduct or is experiencing a disability that prevents them from performing the duties of their office, as these terms are defined in 28 U.S.C. §§ 351-364. You may only file a complaint against a “covered” judge, meaning those of the federal courts of appeals, district courts (including magistrate judges), bankruptcy courts, and as specified in 28 U.S.C. § 363. State court judges and court personnel are not included in this complaint process. More information is available at <https://www.uscourts.gov/administration-policies/judicial-conduct-disability>.

To file a complaint, complete this form and prepare the brief statement of facts described in item 5 (below). Please consult the Rules for Judicial-Conduct and Judicial-Disability Proceedings for additional requirements (like what to include in a complaint (Rule 6) and where to file a complaint (Rule 7). The Rules are available at https://cdn.ca9.uscourts.gov/datastore/misconduct/rules_judicial_conduct.pdf. Please also consult the Ninth Circuit’s local misconduct rules, which are available at <https://cdn.ca9.uscourts.gov/datastore/misconduct/Local-Rules-Misconduct-Proceedings.pdf>.

You may not use this complaint procedure to challenge the outcome of your case, even if you believe the judge’s decision was wrong. Judicial misconduct proceedings are not a substitute for the normal appellate review process, so you may not seek reversal of a decision, a new trial, or a different judge. *In re Complaint of Judicial Misconduct*, 119 F.4th 730, 731-32 (9th Cir. Jud. Council 2024). Even if you successfully prove that the judge engaged in misconduct or is disabled, this complaint procedure will not change the result of your underlying case. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Comment to Judicial-Council Rule 4(b)(1).

Your complaint (this form and your statement of facts) should be typed (minimum 12-point font) and must be legible. Submit only one copy of your complaint.

Put your complaint in an envelope marked “COMPLAINT OF MISCONDUCT” or “COMPLAINT OF DISABILITY.” **Do not put the name of any judge on the envelope.** Your complaint **must** be mailed to:

**United States Court of Appeals for the Ninth Circuit
Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939**

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1. Name of Complainant: _____
Contact Address*: _____

Daytime telephone: (____) _____

*Please notify the Office of the Circuit Executive in writing of any changes to your address as soon as possible. We will use your last known address on file to communicate about your complaint.

2. Name(s) of Judge(s): _____
Court: _____

3. Does this complaint concern the behavior of the judge(s) in a particular case or cases?

☐ Yes

☐ No

If "yes," give the following information about each case:

Court: _____

Case Number: _____

Are (were) you a party or lawyer in the case?

☐ Party

☐ Lawyer

☐ Neither

If you appealed the decision, please provide information about your appeal.

Case Number: _____

Current status of appeal: _____

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4. Have you filed any lawsuits against the judge?

☐ Yes

☐ No

If “yes,” give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

If you appealed the decision, please provide information about your appeal.

Case Number: _____

Current status of appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts that support your claim of judicial misconduct or disability. Describe what happened, when and where it happened, and any information that would help an investigator check the facts. **Your Statement of Facts must be no longer than five standard 8.5x11 inch, single-sided, double-spaced pages using 12-point font.**

You must provide objectively verifiable proof such as the names of witnesses or docket numbers of transcripts to support your allegations. You cannot prove misconduct only by saying that the judge ruled against you. The appellate court is the appropriate place to argue that a judge’s rulings were wrong. Do not include copies of your filings in the underlying case or the judge’s orders because those documents are already accessible via PACER (the federal filing system). Excess or irrelevant documentation will not be considered. Do not submit any original documents, as they may not be returned to you.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) _____ (Date) _____