

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

Nos. 10-21-90019 through 10-21-90021

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

Complainant has filed a complaint of judicial misconduct against a circuit judge, a district judge, and a magistrate judge in this circuit. My consideration of this complaint is governed by the misconduct rules issued by the Judicial Conference of the United States, entitled *Rules for Judicial-Conduct and Judicial-Disability Proceedings* (the “JCD Rules”), the federal statutes addressing judicial conduct and disability, 28 U.S.C. § 351 *et seq.*, and relevant prior decisions of the full Judicial Council of this circuit that are consistent with those authorities.

The JCD Rules and this circuit’s local misconduct rules are available to complainants on the Tenth Circuit’s web page at: <https://www.ca10.uscourts.gov/ce/misconduct>. Paper copies are also furnished by the Circuit Executive’s Office upon request. In accordance with those rules, the names of the complainant and subject judges shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant alleges undue delay in addressing a pro se matter he filed before a district court in the circuit in late March 2021. Complainant alleges that the delay was prejudicial to the administration of justice and was a denial of his rights to pursue claims against the individuals he named in the underlying matter. Complainant further alleges that he filed an Emergency Petition for Writ of Mandamus with the Tenth Circuit Court of Appeals related to the alleged delay below, and the Tenth Circuit also failed to expeditiously address his claims, thereby further prejudicing the administration of justice. These claims are not cognizable as misconduct because they are “directly related to the merits of a decision or procedural ruling.” JCD Rule 11(c)(1)(B); *see also* Commentary to JCD Rule 4 (stating that “[a]ny allegation that calls into question the correctness of an official decision or procedural ruling of a judge—without more—is merits-related”). *See also* JCD Rule 4(b)(2), cmt. (stating “a complaint of delay in a single case is excluded as merits related.”)

Accordingly, this complaint is dismissed pursuant to JCD Rule 11(c). The Circuit Executive is directed to transmit this order to complainant and copies to the subject judges and the Judicial Conference Committee on Judicial Conduct and Disability. *See* JCD Rule 11(g)(2). To seek review of this order, complainant must file a petition for review by the Judicial Council. The requirements for filing a petition for review are set out in JCD Rule 18(b).

The petition must be filed with the Office of the Circuit Executive within 42 days after the date of the judge's order. *Id.*

So ordered this 2nd day of December, 2024.

A handwritten signature in black ink, appearing to read "Jerome A. Holmes". The signature is written in a cursive style with a large initial "J".

Honorable Jerome A. Holmes  
Chief Circuit Judge