

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-21-90034 and
10-22-90014 & 10-22-90015

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant has filed two complaints of judicial misconduct, one against a magistrate judge and one against the same magistrate judge and a district judge in this circuit. The complaints have been consolidated for decision because they arise out of the same underlying case and factual circumstances. 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, filing pro se, alleges that she was subjected to overly strenuous questioning by a court security officer and a supervising court security officer before being denied entry into the court building for a hearing, following which the magistrate vacated the hearing and indicated on the record that the security officers reported that Complainant was belligerent. Complainant alleges her First and Fifth Amendment rights were violated, and that the magistrate should not have accepted the court security officer's version of events without reviewing video of the incident or speaking with her directly first. Complainant alleges that the district judge then committed misconduct in accepting the magistrate's order, and in finding that her rights had not been violated. Complainant further alleges her case was prejudiced as a result. There is no allegation, nor is there evidence in the record to demonstrate, that either the district judge or the magistrate possessed an improper motive in making their findings. 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"). Additionally, the Commentary makes clear that "[t]he phrase 'decision or procedural ruling' is not limited to rulings issued in deciding Article III cases or controversies." Thus, a judge's decision on matters such as those detailed in this complaint, still qualify as merits related for purposes of the rule.

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 chief 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 fluid and cursive, with the first name "Jerome" being more prominent.

Honorable Jerome A. Holmes
Chief Circuit Judge