

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-23-90006, 10-23-90007
& 10-24-90025

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant has filed two complaints of judicial misconduct against two district judges and a magistrate judge in this circuit. The complaints have been consolidated for decision because they arise out of the same underlying cases and factual circumstances. My consideration of these complaints 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/cc/misconduct>. Paper copies are also furnished by the Circuit Executive’s Office upon request. In accordance with those rules, the names of the complainants and subject judges shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant, appearing pro se in the underlying district court matters as well as in these judicial misconduct complaints, alleges that the three subject judges engaged in conduct prejudicial to the administration of justice by favoring the defense in her underlying matters; by engaging in ex parte communication with the defense; by engaging in conspiracies with the underlying defendants; by delaying rulings in ways that harmed her cases and resulted in the suppression of evidence; and by conspiring with one another to thwart her access to justice.

A limited inquiry was conducted in which the docket reports and documents contained in the underlying court files were reviewed. There is no evidentiary support in the record for Complainant's assertions regarding conspiracy, bias, and a denial of access to justice. More specifically, to bolster her misconduct allegations, Complainant must do more than offer suggestions that the judges' rulings with which she disagrees were motivated by improper motives; she must provide or point to supportive evidence, and she has not done that.

It is noted that Complainant, a frequent litigator, was cautioned by all three judges on several occasions that she was required to follow local court rules regarding her filings and her appearances for scheduled hearings. It appears that her refusal to do so, rather than any conspiracy against her by the court, contributed to the outcomes in her underlying cases with which she disagrees. Disagreement with the outcomes of her cases, or specific rulings by the court, is merits related and does not provide evidence of misconduct. Additionally, there is no evidence, in the record or presented by Complainant, of ex parte communications by any of the judges with the defense, or the

crafting of a plan by the court to assist defense counsel in defeating Complainant's claims.

To the degree Complainant's allegations involve disagreement with rulings by the court, 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, while allegations of conspiracy can state a valid claim for misconduct even when the alleged conspiracy relates to a judge's ruling, *see* Commentary to JCD Rule 4, Complainant's conspiracy claim fails because it is completely unsupported. The JCD Rules require complainants to support their allegations with "sufficient evidence to raise an inference that misconduct has occurred." *See* JCD Rule 11(c)(1)(D).

Accordingly, these complaints are 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 29th day of April, 2025.

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

Honorable Jerome A. Holmes
Chief Circuit Judge