

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

Nos. 10-23-90008 and 10-24-90029

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

Complainant has filed separate complaints of judicial misconduct against a 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 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

complainant and subject judges shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant, appearing pro se in this complaint and—in part—in the underlying matter, alleges both judges mishandled his criminal matter by issuing incorrect rulings, by failing to properly apply the law or question the prosecution’s assertions, and by disregarding his rights during the pendency of his criminal case. Although he alludes to bias on the part of both subject judges, he expressly asserts it regarding the district court judge. In support of his allegations, Complainant provides subpoenas, briefs, and transcripts both full and partial, all of which were reviewed. While the issues Complainant raises vary, at bottom each of his allegations takes issue with specific judicial action by the judges in the handling of his criminal matter. As such, these claims are not cognizable as misconduct because they are all “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”).

While allegations of conspiracy or bias, which Complainant expressly alleges on the part of the district court judge, can state a valid claim for misconduct even when the alleged conspiracy or bias relates to a judge’s ruling, *see* Commentary to JCD Rule 4, this conspiracy or bias claim fails because it is completely unsupported. The documents Complainant provided do not support his allegation of conspiracy or bias, nor do they demonstrate improper motive by the court in issuing its rulings. 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 fluid and cursive, with the first name "Jerome" being the most prominent part.

Honorable Jerome A. Holmes  
Chief Circuit Judge