

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-23-90009 & 10-23-90010
and 10-23-90015

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant filed two separate 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 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/ce/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 these complaints as well as in relevant underlying matters, alleges one district judge and the magistrate judge improperly accepted and presided over a matter that was not lawfully before the court on which they sit. Complainant is not a party to the matter, and is, instead, a self-described whistleblower. Complainant also alleges she attempted to contact the district court judge to express her concerns and did not receive a reply. A review of the docket for the underlying matter does not reveal any irregularities. Complainant has not provided any evidence of misconduct beyond general allegations, and her complaint appears to be with issues that are specifically merits-related, i.e. whether to accept jurisdiction and hear a case, and how that case should be conducted. 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, Complainant alleges the second district judge improperly retained jurisdiction over a case, from which she argues the judge should have recused due to a prior friendship with her relative. Complainant does not provide additional information or evidence to support her allegation that the judge has a personal bias against her. At any rate, this allegation is also not cognizable as misconduct because it, too, relates directly to the merits of the underlying case. *See* JCD Rule 4(b)(1), which states “[c]ognizable

misconduct does not include an allegation that calls into question the correctness of a judge's ruling, *including a failure to recuse.*" (*Italics added.*)

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 28th 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