

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

Nos. 10-23-90034 and 10-23-90035, and  
10-25-90009 through 10-25-90012

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

Complainant has filed two complaints of judicial misconduct against three district judges, a magistrate judge, and a former 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 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).

As an initial matter, one subject magistrate judge recently retired and, thus, the claims regarding that magistrate judge are concluded pursuant to JCD Rule 11(e) (“The chief judge may conclude a complaint proceeding in whole or in part upon determining that intervening events render some or all of the allegations moot or make remedial action impossible as to the subject judge.”). Regardless, as noted below, Complainant’s claims against the recently retired magistrate judge, and the other subject judges, do not constitute misconduct.

Complainant’s filings, and concurrently or subsequently filed supplements, amount to, in essence, legal arguments that attempt to relitigate many of the claims in his underlying civil matter. Essentially, Complainant disagrees with rulings and orders issued by the Court, including the eventual dismissal of his filing. He equates his disagreement with misconduct. Complainant also argues he was denied due process and that his case was riddled with irregularity, including judges being assigned, or reassigned, to or from his civil case.

A limited inquiry was conducted wherein the record for this case was reviewed in its entirety. Far from demonstrating the impropriety Complainant infers, a review of the record demonstrates the reassignments, which were detailed, were administratively proper and for no nefarious motive. Complainant points to selected entries in the docket to support his allegations of judicial misconduct, which the full record does not support. While Complainant has an interest in prevailing on his claims, judicial interpretation of facts and law are not wrong simply because he says they are. Ultimately, Complainant’s numerous allegations against the subject judges amount to his belief their rulings were

incorrect, which is not the purview of the judicial conduct and disability process under circumstances such as these. Therefore, 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”).

Though Complainant does not state it overtly, he hints that a conspiracy with the underlying respondents drove the judicial decisions in his case. He makes a circular argument that amounts to his disagreement with the rulings that he alleges demonstrate improper conduct, but the record does not reveal such conduct. 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, this 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 as to the former magistrate judge pursuant to JCD Rule 11(e) and as to the subject judges 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 21st day of July, 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