

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

No. 10-25-90008

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant has filed a complaint of judicial misconduct against a bankruptcy judge in this circuit. 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 judge shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant raises issues with many people who have been involved in her underlying matter including lawyers, trustees, and others. For purposes of this process, only her complaints against the bankruptcy judge have been considered. *See* JCD Rule 1(b) (providing “[a] covered judge is defined under the Act and is limited to judges of United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, United States magistrate judges, and judges of the courts specified in 28 U.S.C. § 363”).

Complainant has provided numerous and lengthy submissions in support of her misconduct filing, both in her initial complaint as well as in several supplements. Complainant also calls the misconduct line frequently to verbally provide additional material. All of Complainant’s materials have been reviewed. In addition, a limited inquiry was conducted wherein the dockets for each of complainant’s matters, which are extensive, as well as the electronic documents contained therein, were reviewed.

Despite the volume of Complainant’s materials, and the impracticality of summarizing each of her complaints in detail in this order, at bottom her allegations are essentially disagreements with rulings of the judge, disagreements with the actions of the trustee, and disagreements with the way the underlying case has proceeded. Complainant also believes the judge is biased against her and has demonstrated favoritism toward the trustee. Complainant has provided lengthy recitations of the transcripts, which she believes supports these allegations.

A review of the information provided by Complainant, as well as the additional material referenced above, do not support the allegation that the subject judge has

demonstrated bias, either for the trustee or against the complainant. While Complainant may disagree or take issue with words chosen by the judge, that alone is not enough to prove that the judge is biased. *See* Commentary to JCD Rule 4, which states “[i]f the judge’s language was relevant to the case at issue. . .then the judge’s choice of language is presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an improper motive.” Complainant has not provided such evidence.

Additionally, while Complainant disagrees with the fundamental handling of her matter and believes the rulings and overall process of her case are unjust, 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”).

Further, it appears Complainant may be seeking remedies from the filing of a misconduct complaint that, in this context, the process does not provide. In requesting review of the subject judge’s rulings on a consistent basis and requesting intervention in her ongoing case by the Chief Judge and the Judicial Council, Complainant appears to misunderstand the purpose of judicial conduct and disability proceedings, which is not an alternative forum to the appellate process to provide remedies for rulings with which she disagrees. Under the circumstances presented here, Complainant will not receive the redress she seeks, which include removal of the subject judge, removal of the trustee and her counsel, immediate release from her bankruptcy proceeding, and an acknowledgement that she may seek monetary damages for harms she alleges have

occurred. Those are not remedies available from judicial conduct and disability proceedings in circumstances such as these.

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 judge 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.



Honorable Jerome A. Holmes
Chief Circuit Judge