

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

No. 10-21-90017

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

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

As an initial matter, complainant’s allegations against the clerk of court are not cognizable misconduct. *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, a pro se litigant, alleges the subject judge has a “severe judicial disability” and is not fit for judicial office because he is unscrupulous, unable to understand the Americans with Disabilities Act or complainant’s autism (accompanied by anxiety and depression), and “does not know what he has been doing.” Complainant’s contention that the subject judge is disabled fails on two fronts. First, the claim is not cognizable because it is “directly related to the merits of an official 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 . . . of a judge—without more—is merits-related” and noting that the phrase “official decision” is “not limited to rulings issued in deciding Article III cases”). Second, the claim is completely unsupported. *See* JCD Rule 11(c)(1)(D) (requiring complainants to support their “allegations . . . [with] sufficient evidence to raise an inference that . . . a disability exists[.]”).

Next, complainant asserts the subject judge discriminated against him on account of his (1) disabilities, (2) race, (3) national origin, and (4) pro se status. In support, he maintains that the subject judge has a “severe judicial disability[.]” failed to accommodate complainant’s disabilities, believes minorities are inferior, and “despises” pro se litigants. While allegations of discrimination can state a valid claim for misconduct, even when the alleged discrimination “‘relates’ . . . in a colloquial sense” to

the subject judge's underlying rulings, Commentary to JCD Rule 4, complainant's four discrimination claims fail because they are "based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred[.]" *Id.*

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 27th day of December, 2024.

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