

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

Nos. 10-21-90029, 10-23-90016  
and 10-24-90021

Before **HARTZ**,\* Circuit Judge

**MEMORANDUM & ORDER**

Complainant filed three 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

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\*Judge Hartz was assigned to these matters pursuant to JCD Rule 25(f).

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).

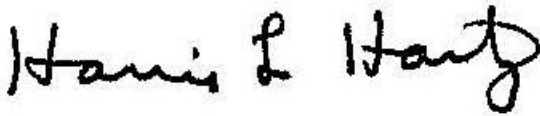
Complainant, filing *pro se*, alleges procedural error in the way his underlying case was handled, at various stages, by the magistrate judge and both judges of a district court in this circuit. It is noted that these allegations relate specifically to the merits of the underlying case, and that they were reviewed by the Court of Appeals in addressing the appeal Complainant filed. Thus, any merits or procedural errors have been addressed through the appropriate channels. 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").

Complainant's allegations of improper contacts between the magistrate judge and defense counsel, and his hints at conspiracy, are unsupported by either the evidence submitted by Complainant or by the record in the matter. 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 does not constitute cognizable misconduct 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 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 9th day of December, 2024.

A handwritten signature in black ink that reads "Harris L. Hartz". The signature is written in a cursive style with a large, stylized initial "H".

Honorable Harris L Hartz  
Circuit Judge