

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

No. 10-22-90023

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant has filed a complaint of judicial misconduct against a district 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).

Although she does not formally include the Clerk of Court for the District of Utah, and the United States Marshals Service in her complaint, Complainant raises concerns regarding her interactions with both during the pendency of her civil matter. As an initial matter, complainant's allegations against the Clerk and the Marshals 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”).

The crux of Complainant's allegations, raised in her initial complaint and six subsequently filed supplements, is that the judge failed to timely act in her case; that the judge failed to promptly rule on motions filed; and that the judge colluded with defense parties to derail her case and deny her justice. Although Complainant files only against the judge, she also raises objections to actions and orders of the magistrate judge assigned to her case. Although the magistrate judge is not named by Complainant, a complete review of the record and docket was made, including actions and rulings by both the judge and the magistrate judge. Much of what Complainant seeks via this complaint—appointment of counsel, removal of the judge and magistrate judge, and relocation of her case outside the judicial district in which it is being adjudicated—exceeds the scope of these misconduct proceedings. Regarding the substance of Complainant's allegations, her disagreements are with the substance and timing of the case-related actions of the judge and magistrate judge—including their orders—and, consequently, these allegations 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” and “a complaint of delay in a single case is excluded as merits-related.”)

As noted above, Complainant alleges that the actions and orders of the judge and magistrate judge, with which she disagrees, are the result of collusion with the defendants in the civil matter. Complainant presents no evidence to support these allegations, apart from her disagreement with those rulings and actions, such that she assumes it must be so. 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, 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 February, 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