

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-23-90027 & 10-23-90028,
10-23-90036 & 10-23-90037, 10-25-90013,
and 10-25-90029 through 10-25-90031

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

Complainant has filed four separate complaints of judicial misconduct against one magistrate judge, one former magistrate judge, two district judges, and three appellate judges 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 Circuit Executive’s Office upon request. In accordance with those rules, the names of the

complainants 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 against that 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, Complainant’s claims against the recently retired magistrate judge do not constitute misconduct.

Complainant, appearing pro se in both these complaints as well as in numerous underlying civil matters, raises vague issues regarding non-judicial court staff, including delays he says he encountered in receiving a case number, return of forms or improper rejection of forms, mail and legal documents being tampered with, and the receipt of “illegal fraudulent” court documents. There is no specificity provided for these allegations, nor does Complainant indicate the party or parties he believes are responsible. Nevertheless, Complainant’s allegations against non-judicial court staff 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”).

In his multiple complaints against the subject judges, Complainant’s allegations vary in terms of specificity, but they are similar in their nature. Complainant essentially alleges judicial misconduct due to disagreements he has with the judges’ rulings, issued

orders, and legal interpretations in his numerous civil matters. These collective 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 additionally alleges the subject judges violated his civil rights and denied him due process by failing to recognize his self-proclaimed Moorish American citizenship, which he alleges resulted in incorrect legal standards being applied to him and his underlying claims. Complainant further alleges judicial statements regarding his claim to Moorish American citizenship demonstrate political bias in violation of the rules governing the conduct of judges. As to the latter point, none of the named judges appear to have made any impermissible political statements; rather Complainant is inferring, without evidence, a political agenda based on their rulings. While allegations of bias can state a valid claim for misconduct even when it relates to a judge’s ruling, *see* Commentary to JCD Rule 4, this 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).

Furthermore, to the degree Complainant disagrees with the language used to describe his citizenship, the comments to JCD Rule 4 note “[i]f the judge’s language was relevant to the case at hand . . . then the judge’s choice of language is presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an improper motive.” Because discussion of Complainant’s claim to Moorish American

citizenship does not appear to be irrelevant to underlying rulings or judicial decisions, and in fact was raised by Complainant as relevant in his filings, a judge making reference to his citizenship status is presumptively merits-related.

Accordingly, this complaint is 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 fluid and cursive, with the first name "Jerome" being more prominent.

Honorable Jerome A. Holmes
Chief Circuit Judge