

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

Nos. 10-23-90030 & 10-23-90031

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

Complainant has filed a complaint of judicial misconduct against a district judge and a magistrate 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 complainants and subject judges shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant, appearing pro se in this complaint and in the underlying civil matter, alleges that she submitted a motion that was not timely filed by the court clerk, thus prejudicing her case. As an initial matter, complainant's allegations against the court clerk and 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"). Additionally, as noted in a court order in the underlying case, the delay in this instance was not error on the part of the clerk's office; rather it was due to Complainant filing a blended document comprising both a motion and a response contrary to local rules. As Complainant notes, when she pointed this out to the Court, the Court added a backdated entry to the docket reflecting the filing of both documents.

Complainant takes issue with court rulings and orders in the underlying civil case, which she alleges unduly prejudiced her ability to pursue her case. She further alleges she did not consent to the magistrate judge presiding over her case. A review of the docket indicates Complainant signed the consent form agreeing to trial before the magistrate judge thirteen days before she submitted this complaint, thus, there appears to be no merit to that allegation. Complainant's remaining claims regarding rulings and orders 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 also alleges the court favored the defense in the underlying civil matter, allowing defense counsel to bully her, and demonstrating bias toward the defendant and its counsel through its rulings. Complainant provides no evidence for these bias allegations—just her assumptions and speculation regarding the court’s motive for its rulings; nor is evidence found in a review of the record to support her allegations of bias or partiality in favor of the defense. While allegations of bias or conspiracy can state a valid claim for misconduct even when the alleged bias or conspiracy 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).

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 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