

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-24-90001 through 10-24-90004

Before **HOLMES**, Chief Judge

MEMORANDUM & ORDER

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

Complainant, appearing pro se in the civil matters below and in the filing of this misconduct complaint, alleges the district judge improperly dismissed her underlying

civil cases. She alleges the dismissal of her second case based on claim preclusion relating to a case she filed previously was erroneous because the claims in the two matters were not identical, and the judge took notice of documents in the second case which were not properly filed pursuant to the court's local rules. Complainant alleges this amounted to improper ex parte communication by the judge, giving the opposing party an advantage and—because her case was ultimately dismissed—depriving her of her right to argue the merits of her claims before the court. She further argues the appellate judges who reviewed her matters exceeded their authority by finding that, although claim preclusion did not apply to the allegation regarding the documents in the second case, the dismissal was nevertheless proper because any error by the district judge related to that issue was harmless. Complainant alleges this rationale was based on a mischaracterization of the document and was an inappropriate determination for the judges to have made.

These claims are not cognizable as misconduct because they are all “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 has presented no evidence to demonstrate these decisions were other than merits-related; she simply has expressed her disagreement with them. She has provided no evidence of an improper motive on the part of any of the four judges, nor has she proven the allegation regarding improper ex parte communication between the district judge and opposing counsel.

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 4th day of December, 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