

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-24-90013 and 10-24-90014

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 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, filing this complaint and the underlying civil matter pro se, alleges wrongful conduct by various state actors, as well as federal court employees—that is, he

alleges wrongful conduct in part against individuals who are not federal judges. As an initial matter, Complainant's allegations against such parties 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").

Complainant's allegations primarily focus on the magistrate judge, but he does allege that the district judge "failed to supervise" the magistrate judge and thereby aided that judge in wrongful conduct. Because I conclude that Complainant's allegations against the magistrate judge are insufficient and warrant dismissal, his allegations against the district judge are also necessarily subject to dismissal.

Complainant alleges the magistrate judge was biased in favor of the opposing parties in the underlying lawsuit and engaged in a conspiracy to obstruct justice and afford them preferential treatment, thereby hampering his ability to prevail and violating his constitutional rights. Although Complainant appears to contend that his allegations of wrongdoing constitute more than a mere disagreement with the merits, his statements to this effect, without more, do not negate the fact that the bulk of his allegations clearly amount to merits-related disagreements. Thus, 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 points to specific rulings made by the magistrate judge to demonstrate his allegations of racketeering, bias, and conspiracy. However, he does not present any evidence to support those allegations—merely his supposition or conjecture regarding the motive behind the judge’s rulings. To be sure, allegations of conspiracy, bias, and certain other improper conduct can state a valid claim for misconduct even when such improper conduct relates to a judge’s ruling. *See* Commentary to JCD Rule 4. However, such allegations must be supported by “sufficient evidence to raise an inference that misconduct has occurred,” and the Complainant offers no such evidence. *See* JCD Rule 11(c)(1)(D).

Accordingly, this complaint against the district judge and magistrate judge 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