

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

No. 10-24-90020

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/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 judge shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant, filing this complaint pro se and appearing pro se in the underlying civil matter, primarily alleges the district court judge erroneously adopted the report and recommendation of the magistrate judge, and dismissed the civil matter for lack of subject matter jurisdiction. Complainant alleges the district judge engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts; however, based on Complainant's allegations, the district judge merely issued an order with which Complainant disagrees. Complainant does not allege, or provide evidence to demonstrate, an improper motive on the part of the district judge. Thus, these claims are not cognizable as misconduct because they are exclusively "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"). Virtually the same reasoning and authority fatally undermine Complainant's additional allegation that the district judge failed to take action on his motion to sanction opposing counsel for unethical conduct. Furthermore, that allegation is belied by the record: the district judge actually did take action by referring the motion to a magistrate judge who subsequently denied it.

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 5th day of January, 2026.

A handwritten signature in black ink, appearing to read "Jerome A. Holmes". The signature is written in a cursive style with a large initial "J".

Honorable Jerome A. Holmes  
Chief Circuit Judge