

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

No. 10-24-90024

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/cc/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, pro se in both the underlying civil matter and in the filing of this misconduct complaint, alleges the district judge was biased against him in rendering rulings including imposing page limitations, dismissing claims, dismissing defendants, and ultimately dismissing the case. A limited inquiry was conducted which involved a review of the record in the underlying case, including district court orders, the Court of Appeals record, and the decision by the Court of Appeals.

The crux of the underlying case is Complainant's allegation that he was discriminated against due to a disability. Complainant alleges that the district judge denied the presence of a disability for discriminatory reasons. A review of both the record and the opinion issued by the Court of Appeals, where Complainant raised nearly identical issues to those presented in this complaint, demonstrates that the district judge did not address, or offer an opinion about, whether Complainant was actually disabled; rather the rulings were procedurally and legally focused. The Court of Appeals specifically stated the Complainant failed to demonstrate that the actions of the district judge were motivated by bias. While appealability is not a bar to the filing or review of a misconduct complaint, in an instance such as this, where Complainant filed appeals raising issues identical to those raised in this complaint, which the Court of Appeals thoroughly analyzed, the opinion is instructive in analyzing the allegations.

Although an allegation of bias may lead to a finding of improper motive, that allegation must be proven and must not be due solely to conjecture or conclusory belief, as is the case here. Because no evidence has been provided to support the allegations of bias or discrimination, the allegations made by Complainant are essentially

disagreements with rulings and decisions by the court, and they remain “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”). They are therefore not cognizable as misconduct.

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, flowing style.

Honorable Jerome A. Holmes
Chief Circuit Judge