

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

No. 10-24-90027

Before **HOLMES**, Chief Judge

**MEMORANDUM & ORDER**

Two Complainants have filed a complaint of judicial misconduct against 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 judge shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainants, appearing pro se both in the underlying civil matter and in the filing of this misconduct complaint, allege that the magistrate judge exceeded authority by issuing orders resolving motions they filed; in several instances, those rulings were unfavorable to Complainants' case. At the outset, it is important to note that this allegation appears to be merits-related and thus, as amplified below, not the proper basis for a misconduct claim. *See, e.g.*, 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”). Moreover, even if this allegation correctly fell within the purview of misconduct review, it would not warrant any relief because it is predicated on a legal misunderstanding. The magistrate judge was the referral judge, with authority to decide motions that were not dispositive, subject to objection by a party and reconsideration by a district judge under certain circumstances. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Complainants' allegation that the magistrate judge acted in an unauthorized manner reflects a misunderstanding of the term “dispositive.” A review of the record does not demonstrate unauthorized action by the magistrate judge, and it is noted that where motions or other actions were dispositive, the magistrate judge made only a report and recommendation to the presiding district judge who, following appropriate review, entered an order adopting it. Thus, this allegation of unauthorized conduct by the subject magistrate judge is not supported by the record.

Complainants also allege the magistrate judge was biased, misunderstood the law, and failed to recognize the validity of their claims. Complainants do not point to specific instances of bias, nor do they provide evidence it existed. Rather, it appears

Complainants' allegation of bias is rooted in disagreement with the magistrate judge's rulings, and a belief that the rulings were incorrect. Disagreement with a judge's legal interpretation or rulings does not provide a proper basis for a misconduct claim.

Allegations based on such disagreements, like those of Complainant, do not support cognizable misconduct claims 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").

Accordingly, this complaint is dismissed pursuant to JCD Rule 11(c). The Circuit Executive is directed to transmit this order to Complainants 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, Complainants 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.



Honorable Jerome A. Holmes  
Chief Circuit Judge