

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

No. 10-25-90019

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.

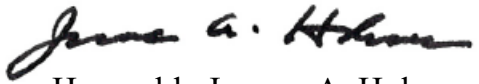
The JCD Rules and this circuit’s local misconduct rules are available to Complainants on the Tenth Circuit’s web page at:
<https://www.ca10.uscourts.gov/cc/misconduct>. Paper copies are also furnished by the Circuit Executive’s Office upon request. In accordance with those rules, the names of the Complainant and subject judge shall not be disclosed in this order. *See* JCD Rule 11(g)(2).

Complainant, filing this misconduct complaint on his own behalf, alleges the district judge was biased against him, was incapable of impartiality, used hostile language toward him, and based his criminal sentence on evidence that was improperly considered. We note that many of the issues raised by Complainant in this misconduct complaint were raised on appeal and were directly addressed by the Court of Appeals in affirming both the district judge's handling of Complainant's criminal trial, as well as the sentence the judge imposed. While appealability is not a bar to misconduct review, pursuant to the Commentary to JCD Rule 4, it is nevertheless persuasive in an instance such as this, where the appellate court reviewed allegations closely resembling those raised in the misconduct filing, and provided a detailed analysis in determining the actions of the judge were not improper. It is also noted the claims raised by Complainant relate to judicial rulings that fall squarely under the definition of merits-related and are therefore 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").

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 16th day of July, 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