

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-25-90020 & 10-25-90021

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).

Complaint alleges the district judge and magistrate judge committed misconduct by failing to accord her accommodations under the Americans with Disabilities Act

(ADA) including appointing pro se counsel. She alleges she was treated unfairly, that the judges issued rulings that conflicted with one another, that they improperly ruled against her, that the magistrate judge exceeded her authority, that they had “conflicts of interest,” and that they ultimately improperly dismissed her civil matter.

As an initial matter, it appears Complainant misunderstands the term “conflict of interest,” as she does not clearly allege conflicts the judges may have had with any of the parties to the underlying litigation, or with the subject matter of that litigation. Rather, this allegation appears to relate to her general claim that orders issued by the judges in her underlying matter conflicted with one another or with orders issued in other—unrelated—litigation. Thus, the allegation regarding conflict of interest is not supported, or properly alleged.

Complainant also alleges, but does not support, that the magistrate judge somehow interfered with the misconduct review process. The nature of this allegation is unclear and is not supported by any information presented by Complainant. Further, it is unclear how the magistrate judge could interfere with a process not yet underway, since Complainant included the allegation in her initial misconduct complaint.

Complainant’s remaining allegations all relate to judicial rulings and the merits of those rulings in the underlying matter. While Complainant may disagree with the decisions made by the judges, or the outcome of her matter in the district court, 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”).

Finally, it is noted that Complainant raised related, and in some instances identical, concerns in an appeal she filed with the Tenth Circuit Court of Appeals, which was dismissed. While, generally, the “existence of an appellate remedy is usually irrelevant to whether an allegation is merits-related” (*see* Commentary to JCD Rule 4), an appellate ruling that is based on a review of related, or even identical, facts and allegations may nevertheless be instructive in reviewing a complaint of judicial misconduct, as is the case here.

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 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 16th day of July, 2026.

A handwritten signature in black ink, appearing to read "Jerome A. Holmes".

Honorable Jerome A. Holmes
Chief Circuit Judge