

**JUDICIAL COUNCIL OF THE
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE
JUDICIAL CONDUCT AND
DISABILITY ACT

Nos. 10-19-90015 through 10-19-90020

Before **BRISCOE**, Circuit Judge

ORDER

Complainant has filed a complaint of judicial misconduct against one circuit judge, four district judges, and one 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: <http://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).

Complainant filed a complaint against several judges in the circuit alleging they engaged in misconduct in connection with complainant's prisoner civil rights cases. Complainant generally alleges that the judges engaged in a conspiracy with the local district attorney's office, defender's office, and the state court to prosecute and convict complainant. While allegations of conspiracy can state a valid claim for misconduct, this conspiracy claim fails because it is completely unsupported. The JCD Rules require complainants to support their allegations with "sufficient evidence to raise an inference that misconduct has occurred." *See* JCD Rule 11(c)(1)(D).

Complainant also asserts that the subject magistrate judge disparaged complainant when the magistrate judge dismissed complainant's claim. A review of the subject magistrate judge's order was conducted to confirm the veracity of complainant's allegation. There was nothing in the record to support a contention that the subject magistrate judge disparaged or otherwise mistreated complainant. Accordingly, this allegation should also be dismissed pursuant to JCD Rule 11(c)(1)(D).

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 order. *Id.*

So ordered this 4th day of November, 2019.

A handwritten signature in blue ink that reads "Mary Beck Briscoe". The signature is written in a cursive style with a long horizontal flourish at the beginning.

Honorable Mary Beck Briscoe
Circuit Judge