

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-089

Complainant: No. 1115600311A

Judge: No. 1115600311B

ORDER

The commission reviewed the complaint and found no misconduct on the part of the judge. The complainant alleged that the judge denied all of his motions and took six months to rule on a motion for reconsideration. An investigation revealed that the motion was not decided promptly because a copy was not sent to the judge as required by local rules. After being advised of the motion, the judge ruled quickly on the matter.

The complaint is dismissed pursuant to Rule 16(a).

Dated: June 27, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 27, 2006.

This order may not be used as a basis for disqualification of a judge.

STATEMENT OF FACTS **CJC-06-089**

Instructions: Use this form or one like it to explain your complaint in your own words. Describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, places, dates and times related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you should be brief and to the point, you can attach additional pages to this statement. Do not write on the back of any page. When you are finished, number your pages and attach copies of any documents that you feel will help us understand your complaint.

Your name: [redacted] Judge's name: [redacted] Date: 3-20-06

IN [redacted] I FILED A CIVIL ACTION COMPLAINT [redacted] AND [redacted] WAS THE PRESIDING JUDGE.

COURT RECORDS INDICATE THAT ON THE LAST DAY ALLOWED TO ENTER AN APPEARANCE, DEFENDANT'S HIRED COUNSEL DID IN FACT FILE A "MOTION TO DISMISS" (EX.A)

DUE TO THE FACT THAT I HAD NOT RECEIVED A "MOTION TO DISMISS" FROM THE DEFENDANT OR ANY REPRESENTATIVE OF DEFENDANT I IMMEDIATELY FILED A "MOTION FOR MORE DEFINATE STATEMENT" (CLARIFICATION) (EX.B)

JUDGE [redacted] THEN ENTERED AN ORDER GRANTING DEFENDANT'S "MOTION TO DISMISS" WITHOUT EVER RESPONDING TO MY [redacted] "MOTION FOR MORE DEF. STATEMENT." (EX.C)

JUDGE [redacted] SIMPLY DISREGARDED THIS PLAINTIFF'S AVOWAL THAT HE NEVER RECEIVED ANY MOTION TO DISMISS AND IN TURN JUST DISMISSED THE CASE PRIOR TO ME EVEN BEING ABLE TO FRAME A RESPONSE. (SEE CHRONOLOGICAL ORDER CASE INFORMATION LISTINGS EX. D)

AT THAT POINT I SIMPLY HAD NO ALTERNATIVE EXCEPT TO FILE A "RULE 60 MOTION FOR RELIEF FROM ORDER." (EX.E)

JUDGE [redacted] SIMPLY DENIED THE RULE 60 MOTION AND DID NOT SPECIFY ANY REASONS OF LAW AS TO WHY HE DENIED THE MOTION (EX.F)

I THEN MADE ONE LAST ATTEMPT IN THE FORM OF A "MOTION FOR RECONSIDERATION" ON [redacted] (AGAIN SEE LAST ENTRY ON CHRONOLOGICAL LISTING, EX. D)

JUDGE [redacted] JUST NOW (6 MONTHS LATER) FILED HIS ORDER OF DENIAL ON THAT MOTION. (EX.G)

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(Attach additional sheets as needed)

STATEMENT OF FACTS CJC-06-089

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Your name: [] Judge's name: [] Date: 3-20-06

I HAVE GONE THROUGH PAINSTAKING EFFORTS WITH REGARDS TO THIS CASE. TWICE I INFORMED JUDGE [] THAT I NEVER RECEIVED ANY MOTION TO DISMISS FROM THE DEFENDANTS. I VIGOROUSLY PROSECUTED THE CASE, FILED IMMEDIATE CHANGES OF ADDRESS AND DID MY BEST TO BE PROFESSIONAL IN DECORUM TO THE BEST OF MY ABILITIES.

I BELIEVE JUDGE [] HAS SERIOUSLY FAILED IN HIS JUDICIAL MATTERS REGARDING THIS CASE AND INTENTIONALLY FAILED TO PROMPTLY, EFFICIENTLY AND FAIRLY REVIEW AND RESPOND TO THESE MATTERS BEFORE HIM.

THIS JUDGE WHOLLY FAILED TO MAINTAIN AND ENFORCE THE HIGH STANDARDS OF CONDUCT IN ORDER THAT THE INTEGRITY OF THE JUDICIARY BE PRESERVED.

AS INDICATED IN THE AFOREMENTIONED FACTS, JUDGE [] SIMPLY IGNORED THIS PLAINTIFF'S MOTION FOR CLARIFICATION WHICH WAS CLEARLY RECEIVED BY HIS COURT AND THEN TOOK AN ADDITIONAL (SIX) MONTHS TO EVEN RESPOND TO MY LAST MOTION WHICH SHOWS A WILLFUL AND PERSISTENT FAILURE TO PERFORM JUDICIAL DUTIES.

FOR THE ABOVE STATED REASONS I FILE THIS COMPLAINT AGAINST [] AND FORMALLY REQUEST THAT THE FACTS OF THIS CASE BE REVIEWED BY THE COMMISSION IN ORDER TO MAKE A DETERMINATION AS TO WHY THIS PLAINTIFF WHO HAS PAID TO HAVE A CASE PENDING IN THIS JUDGES COURT WOULD NOT BE ALLOWED THE RIGHTS HE SHOULD BE AFFORDED OF THE JUDICIARY.

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(Attach additional sheets as needed)