

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-052

Complainant: No. 1413910082A

Judge: No. 1413910082B

ORDER

The complainant alleged that a superior court judge and a commissioner demonstrated bias against him and failed to rule on pending pleadings for more than 60 days. The commission reviewed the allegations and responses filed by the judicial officers and found that the delay was the result of the court waiting for the defendant to submit a form of judgment. The commission found no evidence of bias. Therefore, the complaint is dismissed in its entirety as to the commissioner and resolved with an advisory letter to the judge in accordance with Rules 16(b) and 23.

Dated: July 26, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on July 26, 2011.

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

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State of Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE - CASE # 11-052

Your Name: _____ **Judge's Name:** _____
Date: 4/20/2011

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

To the Judicial Committee,

The following are additional charges/complaints regarding this matter:

On February 25, 2011, I, _____ filed a Motion to Vacate Judgment for Loss of Jurisdiction and Fraud Upon the Court. Instead of immediately voiding the judgments made by Judge _____ and Commissioner _____ Judge _____ continued to act outside of jurisdiction by issuing a Notice/Order on March 7, 2011 which would put the _____ matter on hold (see attached document A). His reasoning was that the case was under the jurisdiction of the Court of Appeals and was waiting for the Court of Appeals to remand the matter back to him. However, documents filed with the Superior Court of Pinal County on January 20, 2011 by the Court of Appeals, Division Two show that the Court of Appeals, Division Two had no jurisdiction in this matter and Judge _____ obviously knew this since on January 20, 2011 documents were filed with the Superior Court of Pinal County from the Court of Appeals, Division Two regarding the _____ matter.

On March 14, 2011, I filed a Response to the Notice/Order issued by Judge _____ (see document B) stating that it was unnecessary to delay this matter and showed documentation which supported that the Court of Appeals, Division Two did not have jurisdiction. Neither Judge _____ nor Commissioner _____ ever responded.

On March 21, 2011, the Court of Appeals responded to Judge _____ by stating that they did not have jurisdiction in this matter which is what I had already told Judge _____ in my March 14, 2011 Response to Notice/Order. However, Judge _____ still has not voided the judgment even after hearing from the Court of Appeals.

Judge _____ is continuing to ignore his judicial duty and is defiantly obstructing justice by stalling/dragging this matter out instead of immediately stamping void on the judgment for the court records. His blatant refusal to follow the law and immediately void what are obviously void judgments absolutely prove his bias against me and he is interfering with the resolution of the _____ matter thus making it more difficult for the Plaintiff (_____) to obtain his winnings from the Defendant (_____). **USC Title 18, Chapter 73 Obstruction of Justice § 1503.** The

statute has two prongs, one concerning obstruction by attempting to influence jurors or officers in a judicial proceeding, and another that concerns obstruction of the "due administration of justice." The second prong, the obstruction of the "due administration of justice" applies to Judge [redacted]. The second prong, by comparison, is not restricted. The second prong of the obstruction of justice statute applies to any conduct that affects the "due administration of justice." As such, this type of obstruction is very broad. The statute prohibits any activity that "corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice."

By refusing to void the judgment and by unnecessarily prolonging the [redacted] matter, Judge [redacted] is retaliating against me for reporting him to you (State of Arizona Commission on Judicial Conduct). This is in violation of **RULE 2.16. Cooperation with Disciplinary Authorities (B)** A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Since Judge [redacted] Commissioner [redacted] acted outside of jurisdiction/ in absence of jurisdiction in [redacted], judicial immunity is not applicable in this matter. Judge [redacted] needs to be removed from the bench immediately and permanently without pay or pension due to his repeated and blatant violations of the Rules, the Code, the Constitution, and the law since he clearly is not fit to sit as a judge.

Respectfully,