

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-287

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace improperly granted an order of protection against him, and refused to allow him to see the court file.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Art Hinshaw did not participate in the consideration of this matter.

Dated: December 19, 2018

Copies of this order were distributed to all appropriate persons on December 19, 2018.

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

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

In re:

VIA US CERTIFIED MAIL

COMPLAINT AGAINST A JUDGE

Please accept this letter as a complaint against Judge _____ of the

Sometime in the last _____ weeks, Judge _____ signed an Order of Protection naming me as a Defendant. In that order, _____ affirmed that he had both subject matter and personal jurisdiction over the parties.

Judge _____ obviously does not know what subject matter and personal jurisdiction is. The events alleged to have occurred which gave rise to the order did not happen within the State of Arizona or anywhere that Court had jurisdiction.

Those events were alleged to have occurred on _____ property and as such are the exclusive jurisdiction of _____ or _____ Courts. The _____ and Judge _____ have NO JURISDICTION for anything alleged to have occurred on US _____ property. Even a _____ law student knows this, and I warned the Constable of this when he tried to serve me.

I just received word from a US _____ (an individual who apparently HAS authority in this matter) that the order had been

Judge _____ acted without any judicial authority in issuing a Protective Order and now he has compounded his error and will not allow me to see the file, as he does not want evidence to surface of his wrongdoing. I called the Court to get a copy of the petition and order and his staff refused,

saying the Judge would not allow me to see it. They told me the judge is claiming that pursuant to rule 7 of the Arizona, the "Public" has no right to see the file until and unless it has been served. Clearly the judge has not properly read the rule, as it states "

This Plaintiff CANNOT have this order served because it was an unlawful order.

The judge is simply trying to cover his backside because he knows he never should have issued the order in the first place. IT WAS AN UNLAWFUL ORDER AND AN EXTRA-JUDICIAL ACT TO SIGN THE ORDER BY THIS JUDGE.

I am not " ". I am a party and the judge is denying me the right to see an order in which I am a named party; that the Plaintiff does not have the legal ability to have served.

This so-called judge is not acting in any judicial capacity. He signed this order knowing he had not authority to do so, and now he is withholding my right to see it solely to conceal his unlawful acts.

This judge has no judicial immunity for his extra-judicial acts and case law is abundantly clear in this matter, as cited below:

When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

Some Defendants urge that any act " " entitles the Judge to absolute judicial immunity. But in a jurisdictional vacuum, (that is, absence of all jurisdiction) the prong necessary to absolute judicial immunity is missing.

there can be no discretion, for discretion
cited in

A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts.

Generally, judges are immune from suit for judicial acts within or in excess of their jurisdiction even if those acts have been done maliciously or corruptly; the only exception being for acts done in the clear absence of all jurisdiction.

There is a general rule that a ministerial officer who acts wrongfully, although in good faith, is nevertheless liable in a civil action and cannot claim the immunity of the sovereign.

When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction.

I demand that this judge be punished for his extra-judicial actions in this matter and he be ordered to release this file to me. This commission canand should reverse an unlawful court order. This Judge cannot claim some kind of vague protection under Rule 7 for an order that he had no right to sign in the first place. I, as a named party, have the right to see the pleadings.

I believe this Judge has committed willful misconduct in office, a violation of the Arizona Code of Judicial Conduct and other conduct that brings the judiciary in disrepute by: 1. Issuing an unlawful order and 2. His deliberate attempts to keep his malfeasance from being discovered.