

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-090

Judge:

Complainant:

ORDER

July 2, 2020

The Complainant alleged a superior court commissioner backdated a court order.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on July 2, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-090

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

By _____ denying _____ the rule of law pursuant the equal privileges and protection rights, and due process of law guaranteed pursuant the 4th and 13th Amendment of the Arizona Constitution and the 5th and 14th Amendments of the United States constitution by back dating the Court's order allegedly signed on _____ and conspiring with Deputy Clerk, to enter the Court's order into the docket file dismissing case number _____ with prejudice in its entirety later allegedly on _____ using a moot or dead motion to dismiss the case that other wise is causing the injuries that are damaging _____

By the _____ Judge, _____ back dating a Court order using a moot or dead motion as the Respondent is in default, and conspiring with Deputy Clerk, _____ to enter the void order into the docket file dismissing the case with prejudice, and canceling the order from _____ in order to deny _____ an appeal in violation of Title 18 U.S.C. sections 2071, 2385, Title 28 U.S.C. Sections 242 and 242 and the 4th and 13th Amendments of the Arizona Constitution and the 5th and 14th Amendments of the United States Constitution in breach of _____ Oath of Office and anti-bribery and corruption statement, as shown in the attached exhibits 1,2, and 3;

As a result of _____ none performance, voluntary passive inaction, concealment, conspiracy and refusing to comply with the Arizona Rules of Civil Procedures, Arizona Laws, unites States Laws and the Arizona and United States constitutions in breach of contract between _____ and the Court, is causing the damages that otherwise is injuring _____ for a sum certain of _____ ncluding but not limited to mental anguish, see attached exhibits 1, 2, and 3;

EXHIBIT-ONE

MEMORANDUM OF LAWS AND POINTS OF AUTHORITIES

PROCEDURAL DUE PROCESS

2. The record shows proof a service is completed on _____ on _____ and base on that service _____ filed a petition for entry of default with the Clerk of the Court;
3. Procedural law shows _____ motion to dismiss is not an answer and not a responsive pleading in _____ amended cause of action, see Centifanti v. Nix, (3d Cir. 1989) citing Reuber v. United States, 750 F.2d 1039, 1061 n. 35 (D.C. Cir. 1984), Domino Sugar Corp. v. Sugar Workers Local 392, 10 F.3d 1064, 1068 n.1 (4th Cir. 1993) citing United States v. Newbury Mfg. Co., 123 F.2d 453 (1st Cir. 1941), St. Michael's Convalescent Hosp. v. State of Cal., 643 F.2d 1369, 1374 (9th Cir. 1981), McDonald v. Hall, 579 F.2d 120, 121 (1st Cir. 1979), McLellan v. Mississippi Power & Light Co., 526 F.2d 870, 872n.2 (5th Cir. 1976);
4. The record shows the Clerk of the Court entered the default against _____ on _____
5. The record shows a second service is completed on _____ about _____ based on _____ objection to the first service;
6. The record shows that _____ claims a _____ ownership in property described in _____ amended cause of action, excluding all mineral rights, oil, gas, and coal, and _____ claims a clear right for the relief sought, and claims _____ has a duty for performing such and act pursuant to A.R.S. Title 42 § 13051(B)(1), and claims _____

has no discretion, and claims [redacted] is refusing to act, and claims such misconduct is an abuse of office, which provides the evidence [redacted] special appearance is with dirty hands, which means not acting in good faith, also known as the unclear hand doctrine;

7. As shown in [redacted] motion to vacate the Court's order dismiss the case, in paragraphs 17 thru 49, and a A.R.Civ.P. Rule 12(b) motion to dismiss does not extent the time to file an answer or response pleading in an amended complaint pursuant to A.R.Civ. P. Rules 15(a)(5), 12(a)(1)(A)(i), and 55(a)(5);

8. The case law that [redacted] counsel uses to explain that a Rule 12(b) motion to dismiss alters the deadline to file an answer until after the court denies the motion, or postpones its disposition until trial, and meets the otherwise defenses requirement of Rule 55, only applies to original complaints and not amended complaints, see General Mills Inc. v. Kraft Foods Global Inc., 495 F.2d 1378 (Fed. Cir. 2009), St. Michael's Convalescent Hosp. V. State of Cal., 643 F.2d 1369, 1374 (9th Cir. 1981);

9. The record show [redacted] did not file an answer or a responsive pleading within the time allowed pursuant to A.R.Civ. P. Rules 15(a)(5), 12(a)(1)(A)(i), 55(a)(5), and the Clerk of the Court did enter the default against [redacted] on [redacted]

10. The record shows [redacted] filed an unverified answer about [redacted] and a questionable amended answer about [redacted] past the deadline set on [redacted] pursuant to A.R.Civ.P. Rules 15(a)(5), 12(a)(1)(A)(i) and 55(a)(5);

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**