

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-371

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Judge:

Complainant:

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**ORDER**

April 13, 2022

The Complainant alleged a superior court judge had denied him due process of law in a family law case.

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).

Commission members Louis Frank Dominguez and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 13, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2021-371**

**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.

Because of the permanent nature of my disability and earning capacity; this denial, is effectively a barrier to my god given right to parent my child without due process of law; because I cannot afford the price tag of uninsured therapeutic intervention at 100% father and 0% mother schedule. As a result, this case will likely be dismissed for lack of activity due to father not being able to afford dollars an hour for This violates my constitutional right to due process under the color of law. This court cannot close the doors on me because I don't have money for my rights. I am not confident that a system with Judge at the helm will protect my rights or help me reunify with my son without subjecting my son to further abuse by his mother.

I now have to abandon my son because I cannot be heard on this issue and his mother refuses to let me near him without a court order.

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COURT OF ARIZONA IN COUNTY

Plaintiff,  
vs.  
Respondent

Case No.:  
  
HON.  
HON.  
  
REQUEST FOR  
TO RECUSE HIMSELF FROM

Comes now, respondent, hereby submits his motion/ request for to recuse himself from ; citing 18 U.S.C § 242, Deprivation of rights under color of law. I asks the Court to take judicial notice of the fact that I am without counsel, am not schooled in the law and legal procedures, and am not licensed to practice law. Therefore, these pleadings must be read and construed liberally. See

**History**

our previous recused himself at my request and without complaint from the plaintiff. had stalled reunification and the process was costing me too much to have nothing to show for it. It cost over in months. Weeks following the prompted by the objection to relocation Judge was made aware of the need for a new was stipulated without regard for my grievances about allocation of fees, even though they were voiced. respondent filed a motion for a hearing on reallocation of fees for stipulated, the response was to wait for final trial. Discovery was conducted for months for the upcoming "trial", until when respondent was told that he had to file another motion for reallocation ("put it in writing"). motion for reallocation was filed again. at another hearing/ trial for another matter, the plaintiff and I were advised on how to proceed with service of process as well as replies and responses for this other matter. I was denied my request to be heard on the subject, and the minute entry cited "without good cause appearing". I asked the judge to show cause as to why DV, endangerment and alienation do not constitute good cause appearing to be heard on the matter of reallocation. He refused to hear me again.

HON. REQUEST FOR  
TO RECUSE HIMSELF FROM

**Cause for recusal/removal**

1. **18 U.S.C § 242**, Deprivation of rights under color of law
2. **U.S Constitution 14<sup>th</sup> amendment section 1**. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
3. Respondent believes that this court has a responsibility and legal duty to protect any and all of the respondents constitutional and statutory rights. See **United States v.**
4. **Equal Protection Clause** of the Fourteenth Amendment of the U.S. Constitution prohibits states from denying any person within its territory the equal protection of the laws. This means that a state must treat an individual in the same manner as others in similar conditions and circumstances.
5. **28 U.S. Code 455, Disqualification of justice, judge or magistrate judge, any justice, judge, or magistrate judge of the United States** shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it; Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy; He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the -proceeding; He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: Is a party to the proceeding, or an officer, director, or trustee of a party; Is acting as a lawyer in the proceeding; Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; Is to the judge's knowledge likely to be a material witness in the proceeding.
6. \_\_\_\_\_ officials and even judges have no immunity See, \_\_\_\_\_ vs. \_\_\_\_\_ City of Independence, \_\_\_\_\_ Maine vs. \_\_\_\_\_ and \_\_\_\_\_ officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law \_\_\_\_\_ "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.

HON. \_\_\_\_\_  
TO RECUSE HIMSELF FROM

REQUEST FOR

1 **7. U.S DOJ – Civil Rights Division – Office for Access to Justice – letter to the court**

2 **Item 7**, states “regardless of the size of the docket or the limited hours  
3 of the court, judges must ensure that the law is followed and preserve both the appearance  
4 and reality of fairness, generating a feeling, so important to popular government, that  
5 justice has been done”

6 “The department of Justice has a strong interest in ensuring that state and local courts  
7 provide every individual with the basic protections guaranteed by the constitution and  
8 other federal laws regardless of his/ her financial means” .

9 **Claim**

10 Because of the permanent nature of my disability and earning capacity; this denial,  
11 is effectively a barrier to my god given right to parent my child without due process of law;  
12 because I cannot afford the price tag of uninsured therapeutic intervention at 100% father and  
13 0% mother schedule. As a result, this case will likely be dismissed for lack of activity due to  
14 father not being able to afford dollars an hour for This violates my  
15 constitutional right to due process under the color of law. This court cannot close the doors on  
16 me because I don't have money for my rights. I am not confident that a system with Judge  
17 at the helm will protect my rights or help me reunify with my son without  
18 subjecting my son to further abuse by his mother. I hope regain confidence with a new judge.

19 RESPECTFULLY SUBMITTED THIS

20 \_\_\_\_\_  
21 Respondent

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28 HON. REQUEST FOR  
TO RECUSE HIMSELF FROM.