

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-012

Judge:

Complainant:

ORDER

October 12, 2022

The Complainant alleged a superior court judge made incorrect and untimely rulings in a civil matter.

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 Christopher W. Ames & Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 12, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

22-012

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.

Plaintiff comes again before this committee and writes as to judicial misconduct throughout his case. I continue to receive limited to no response on pending motions; inhibiting from obtaining a level-playing field and restraining his right to fair proceeding. I will address issues below as follows:

1. I filed motions with Judge _____ that were not ruled on in a timely manner or never ruled on. Plaintiff is unable to proceed effectively in his case as well as his appeal case. The Judge is ignoring my pending motion(s) (e.g., Plaintiff's Motion for Reconsideration has not been ruled on for over _____ days; and Plaintiff's Rule 59 and Rule 60 Motion has not been ruled on for _____ days.) [Exhibit 1-2]

2. The Court has not provided information regarding why no ruling on Plaintiff's motions has been made; Plaintiff is waiting these rulings. The Court sent Plaintiff a minute entry _____ later that Judge _____ denied the motion because Judge _____ had retired. (See number 2 of Judge _____ complaint. Judge _____ violations have clearly carried on to the presiding Judge (e.g., Judge _____ allows Defendant's inappropriate and untimely motions to be accepted; and fails to promptly rule on Plaintiff's motion. Judge _____ has ruled on Defendant's motion regarding Rule 59 & 60

3. I have been unable to move forward in his case effectively as Judge _____ has stifled his ability to proceed accordingly and has ruled in a disdainful demeanor towards Plaintiff. Judge _____ has shown bias and prejudice towards me by addressing me as the Defendant in my case. [Exhibit 3]

4. I continue to expend an enormous amount of court/legal fees as well as time and other expenses, including travel.

5. Judge _____ has failed to rule promptly as required in accordance with Canon 1 and Canon 2 of the Judicial Code of Conduct. Further, Judge _____ is in violation of Rule 2.2 of the ABA Model Code of Judicial Conduct. Plaintiff's unrul motions are over _____ days in violation of Section 21, Article VI of the Arizona Constitution Rule 91.

6. Judge _____ continues to demolished my confidence in receiving fair treatment from the Judicial system. Judge _____ simply did not uphold Plaintiff's rights to due process and failed to perform his duties as an officer of the court.

7. Judge _____ continues to allow _____ discovery abuse to fester.

8. Judge _____ failure to rule within _____ days as required also prohibits him from receiving his salary pursuant to AZ Rev Stat § 11-424.02(A).

9. Now, I'm afraid that Judge _____ will keep denying my motion(s) for filing this complaint. I urge this governing body to investigate and discipline Judge _____ accordingly. It is, therefore, necessary and appropriate that this governing body discipline Judge _____ and add to the record his failure to uphold his duties as an officer of the court.

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Plaintiff comes again before this committee and writes as to judicial misconduct throughout his case. I continue to receive limited to no response on pending motions; inhibiting from obtaining a level-playing field and restraining my right to fair proceeding. I will address issues below as follows:

1. I filed motions with Judge _____ that were not ruled on in a timely manner or never ruled on. Plaintiff is unable to proceed effectively in his case as well as his appeal case. The Judge is ignoring my pending motion(s) and my request for an oral hearing (e.g., Plaintiff's Motion for Reconsideration has not been ruled on for over _____ days; and Plaintiff's Rule 59 and Rule 60 Motion has not been ruled on for _____ days.) [Exhibit 1-2.]

2. The Court has not provided information regarding why no ruling on Plaintiff's motions has been made; Plaintiff is waiting these rulings. The Court sent Plaintiff a minute entry, _____ ater that Judge _____ denied the motion because Judge _____ had retired. (See number 2 of Judge _____ complaint. Judge _____ violations have clearly carried on to the presiding Judge (e.g., Judge _____ allows Defendant's inappropriate and untimely motions to be accepted; and fails to promptly rule on my motion(s). Judge _____ has ruled on Defendant's motion regarding Rule 59 & 60.

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“EXHIBIT 1”

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, IN PRO PER

IN THE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF

Plaintiff,

vs.

Defendants.

No.

(Judge)

**MOTION TO RECONSIDER
AND TO CLARIFY THE
RECORD FOR THE COURT'S
RULING ON :**
**IN ACCORDANCE WITH
ARIZ. R. CIV. P 7.1(E)**

Pursuant to Ariz. R. Civ. P. 7.1(e), Plaintiff (“ ” or “Plaintiff”) brings forth this Motion to Reconsider and to Clarify the Record of the court’s ruling received on . Plaintiff is unable to distinguish the judge’s intent and vague language in the ruling of the court’s minute entry.
And, states the following:
1. Plaintiff is perplexed as to the minute entry filed –it is evident that the language inaccurately reflects the court’s position on how the court sees the Defendant and Plaintiff which should shock the conscience of every American. The judge has said that Plaintiff is “attacking” the judgement for filing his motion in accordance with Fed. R. Civ. P. 59(e) and Fed. R. Civ. P. 60(b) after his case was dismissed in . Would the court consider Plaintiffs motion as “attacking” the judgement if he were an attorney? Additionally, the judge has referred to Plaintiff as the “Defendant” in this matter. Such action from the court and the attorney should alarm and concern any person as they would perceive and recognize an alignment between the

1 court and the Defendant as both have accused Plaintiff of “attacking” the judgment.

2 Respectfully, may the court and/or Defendant point out within Rule 59 and 60 that filing
3 such motion is an ‘attack’ on the judgment?

4 2. The judge’s minute entry states that Defendant (referring to ‘Plaintiff’) is “attacking”
5 the judgment. This identical verbiage was used in response to Plaintiff’s
6 motion and copied preciousy therefrom.¹ Such derogatory and contemptuous language is
7 retaliatory, disparaging and shows bias and prejudice to Plaintiff for lawfully exercising
8 his right to file motions under the Federal Rules of Civil Procedure and Arizona Rules of
9 Civil Procedure. Such disrespect and disregard for Plaintiff as a pro se has been practiced
10 throughout this proceeding. Such extreme treatment was not expected by the court.
11 However, the disobedient Defendant/attorney *was allowed* to do so as evidenced by the
12 judge *turning a blind-eye*. The court has openly exposed its own bias and prejudice as the
13 previous judge () *has ruled in a disdainful demeanor towards Plaintiff as a*
pro se litigant and explains why justice *cannot prevail*.

14 3. The judge has also ruled that my Motion to Compel Defendant for Production
15 of Documents and Privilege Log was inappropriate because my case has been dismissed.²
16 First, to the contrary, was it *appropriate* for (attorney of record) to *ignore and*
17 *not comply with the court’s orders*? Second, was it *appropriate* for the court *not to rule* on
18 Plaintiff’s Motions to Compel in of before my case being dismissed? Lastly,
19 was it *appropriate* for not to produce documents and destroying video evidence
20 of the incident during discovery and even after being court ordered? *is no*
21 *stranger for destroying video and for not producing evidence.*³

22 ¹ While reviewing the Response brief, the Court learned that Defendant on filed a motion attacking the
23 judgment. He amended the same motion on . The Court will treat the original motion as superseded. As
24 for the amended motion, Defendant has not demonstrated that relief from judgment is appropriate under either Rule 59
or 60. Accordingly, **IT IS ORDERED** denying the motion.

25 ² The Court has considered Plaintiff’s Motion to Compel Defendant for Production of Document and Privilege Log
26 Pursuant to the Court Orders and the Response to the same. This matter has been dismissed, and the request is
inappropriate. Accordingly, **IT IS ORDERED** denying the motion.

27 ³ See Inc., WL6158467, at *9 (D. Nev.);
28 E., L.P., 76 F. Supp. 3d 1393, 1396 (N.D. Ga.).

**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.**