

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-132

Complainant: No. 1078200307A

Judge: No. 1078200307B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judges. The issue raised is legal in nature.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: June 4, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 4, 2007.

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

COMPLAINT AGAINST JUDGE [REDACTED]

I have a lawsuit against my previous employer, [REDACTED] for workplace harassment and subsequent unlawful discharge.

On [REDACTED] a Temporary Restraining Order was issued by Commissioner

[REDACTED] On [REDACTED] a hearing was conducted before the Honorable [REDACTED] [REDACTED] This was not an evidentiary hearing as I had thought, but, a very brief hearing to determine how much time would be needed for an actual "hearing" to determine if the TRO was going to be Preliminary Injunction or quashed.

At the [REDACTED] hearing, I objected highly to any continuance and wanted to present my case before the Court. I advised Judge [REDACTED] that the Order was violating my constitutional rights. He even made the statement in open Court that TRO's routinely violate someone's rights, even if slightly. He set the matter for a hearing on [REDACTED]

On [REDACTED] I filed an Emergency Motion to Request Immediate Hearing on Defendant's Temporary Restraining Order. This pleading was brought to Judge [REDACTED] He was unavailable so the clerk had me go before Commissioner [REDACTED] During my testimony with the commissioner, I advised him that I felt my constitutional rights were being violated, he disagreed, and that Rule 65 was being violated on two fronts. Once again he disagreed and denied my pleading.

I then filed yet another Emergency Motion to Dissolve Temporary Restraining Order on [REDACTED] with the Presiding Civil Judge, Judge [REDACTED] Judge [REDACTED] politely informed me that this pleading to him was improper and that I had other remedies. He also advised e that I needed to take this second pleading to Judge [REDACTED]

On [REDACTED] I brought the second pleading to Judge [REDACTED] office. The clerk accepted it, came back about ten minutes later and advised that it was denied.

I believe that Judge [REDACTED] and Commissioner [REDACTED] have violated Rule 65(d) in two areas: First, the rule only allows for a 10 day extension and secondly that this type of matter takes priority over all other matters except matters of alike. The "hearing" being set for [REDACTED] far exceeds that 10 days extension and that this Court did not have a hearing as set forth in Rule 65(d).

I have enclosed copies of the pleadings mentioned herein, a copy of the TRO and a minute entry from Judge [REDACTED] for your review.

I ask that your agency review this Complaint against Commissioner [REDACTED] and conduct an independent and thorough investigation as to whether or not any of the Canon Rules have been violated.

I thank your office for it's time and assistance.

COMPLAINT AGAINST COMMISSIONER [REDACTED]

I have a lawsuit against my previous employer, [REDACTED] for workplace harassment and subsequent unlawful discharge.

On [REDACTED] a Temporary Restraining Order was issued by Commissioner [REDACTED]

On [REDACTED] a hearing was conducted before the Honorable [REDACTED] [REDACTED] This was not an evidentiary hearing as I had thought, but, a very brief hearing to determine how much time would be needed for an actual "hearing" to determine if the TRO was going to be Preliminary Injunction or quashed.

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