

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-030

Judge:

Complainant:

ORDER

June 2, 2026

The Complainant alleged an appellate court judge mischaracterized the nature of his special action petition and improperly dismissed the special action.

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 Denise K. Aguilar, Michael J. Brown, Joseph C. Kreamer, and Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 2, 2026.

Comp

2026-030

Plaintiff proper

IN THE
COURT
STATE OF ARIZONA

	No.
Plaintiff,	MOTION TO COMPEL CORRECTION
v.	OF COURT ORDER pursuant to Rule 60(a)
State of Arizona et al.,	Rules of Civil Procedure
Defendant.	(Hon.)

Plaintiff, respectfully demands that this Court correct its "Order Declining Special Action Jurisdiction," because the Order is erroneous and cannot stand; therefore, Plaintiff compels the Court to correct its actions, and follow the proper procedures for an Original Special Action as outlined in the Arizona Rules for Special Actions for the reasons set forth in the following memorandum.

MEMORANDUM OF POINTS AND AUTHORITIES

THE COURT CANNOT DECLINE JURISDICTION

1. Plaintiff filed an Original Special Action which is clearly evident by the title "Complaint for Special Action." An original special action begins a

case in court. It does not request review of an earlier decision of a court.

A party seeks original special action relief by filing a complaint. With few exceptions, Jurisdiction is mandatory in original special actions.

RPSA 2. (b)(1). These are the Rules of Procedure for Special Actions. These rules govern procedures for all special actions in the Arizona Court

except where these rules specify that other rules or sets of rules apply. Parties and courts should use and construe these rules in a just manner that avoids unnecessary delay and expense. RPSA 1. (a)(b)(C).

2. In its

Order the Court states: ⁶⁶

⁹⁹ RPSA 12. (a) is the

rule that governs "Factors for Accepting or Declining Jurisdiction of 'Appellate Special Actions'," and allows/provides "whether to accept jurisdiction of an 'appellate special action' is within the court's discretion..." ⁹⁹ As stated in ¶1 of this Motion, Plaintiff filed an Original Special Action; therefore, Ariz. R.P. Spec. Act. 12. (a) does not apply to Petitioner's Complaint; therefore, Plaintiff compels the Court to correct itself, and, use and construe the Rules of Procedure for Special Actions in a "just manner that avoids unnecessary delay and expense."

3. The Court's

Order is in error, because Plaintiff did NOT submit an Appellate Special Action, but indeed he did file an Original Special Action. How the Court could have mistaken the Original Special action for an Appellate special action is beyond Plaintiff's comprehension, especially when the Court states in its Order that it has considered the Complaint for Special Action; and also entered a

"Certificate of Mailing re: Complaint for Special Action; Notice of Claim; Motion to Stay Court Proceeding." filed and e-mailed that same date to the attorney for the Defendants.
; See Exhibit A.

4. For the Court to state that it has performed a duty (considered the Complaint) which, in fact, it has neglected to perform, and when this fact is made evident by the Court's erroneous actions, one can't help but to loose faith and trust in the Judiciary. This neglect or refusal, without sufficient excuse, to do that which it is the Court's legal duty to do whether willfully, or through malice, ignorance, or oversight is a violation of not only Plaintiff's due process rights, but also a violation of the Arizona Code of Judicial Conduct.

5. The Court must correct mistakes arising from oversight or nonfeasance when one is found in an order. Ariz. R. Civ. P. 60(a). The purpose of this rule is to provide relief for those mistakes and errors that occur despite diligent efforts to comply with the rules. Phoenix, v. Geyler, 144 Ariz. 323, 697 P.2d 1073, 1985 Ariz. LEXIS 185 (Ariz. 1985).

6. For the foregoing reasons, Plaintiff respectfully requests that this Court correct its action of declining jurisdiction of an Original Special Action, and follow the proper procedures for an original special action complaint as outlined in the Arizona Rules for Special Actions.

RESPECTFULLY SUBMITTED this day of ,

EXHIBIT A

Exhibit A

IN THE
COURT
STATE OF ARIZONA

FILED:

CLERK

BY:

	)	Court	
	)		
Petitioner,	)	No.	
	)		
v.	)	County	
	)	Court	
STATE OF ARIZONA,	)	No.	
	)		
Respondent.	)		
_____	)		

**Certificate of Mailing re:
Complaint for Special Action;
Notice of Claim; Motion to Stay
Superior Court Proceeding**

A true copy of the foregoing documents were e-mailed on _____
, to:

A copy of this CERTIFICATE OF MAILING was sent to:

_____, CLERK

By _____
Deputy Clerk

**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.**