

Judicial Council of the Ninth Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

The purpose of this complaint procedure is to determine whether a judge has engaged in misconduct or is experiencing a disability that prevents them from performing the duties of their office, as these terms are defined in 28 U.S.C. §§ 351-364. You may only file a complaint against a “covered” judge, meaning those of the federal courts of appeals, district courts (including magistrate judges), bankruptcy courts, and as specified in 28 U.S.C. § 363. State court judges and court personnel are not included in this complaint process. More information is available at <https://www.uscourts.gov/administration-policies/judicial-conduct-disability>.

To file a complaint, complete this form and prepare the brief statement of facts described in item 5 (below). Please consult the Rules for Judicial-Conduct and Judicial-Disability Proceedings for additional requirements (like what to include in a complaint (Rule 6) and where to file a complaint (Rule 7). The Rules are available at https://cdn.ca9.uscourts.gov/datastore/misconduct/rules_judicial_conduct.pdf. Please also consult the Ninth Circuit’s local misconduct rules, which are available at <https://cdn.ca9.uscourts.gov/datastore/misconduct/Local-Rules-Misconduct-Proceedings.pdf>. You may not use this complaint procedure to challenge the outcome of your case, even if you believe the judge’s decision was wrong. Judicial misconduct proceedings are not a substitute for the normal appellate review process, so you may not seek reversal of a decision, a new trial, or a different judge. *In re Complaint of Judicial Misconduct*, 119 F.4th 730, 731-32 (9th Cir. Jud. Council 2024). Even if you successfully prove that the judge engaged in misconduct or is disabled, this complaint procedure will not change the result of your underlying case. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Comment to Judicial-Council Rule 4(b)(1).

Your complaint (this form and your statement of facts) should be typed (minimum 12-point font) and must be legible. Submit only one copy of your complaint.

Put your complaint in an envelope marked “COMPLAINT OF MISCONDUCT” or “COMPLAINT OF DISABILITY.” **Do not put the name of any judge on the envelope.** Your complaint **must** be mailed to:

**United States Court of Appeals for the Ninth Circuit
Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939**

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY (page 1 of 2)

1. Name of Complainant: Gabe Roth
Contact Address*: 348 4th Ave., #1007
Brooklyn, N.Y., 11215
Daytime telephone: (202)780-4990

*Please notify the Office of the Circuit Executive in writing of any changes to your address as soon as possible. We will use your last known address on file to communicate about your complaint.

2. Name(s) of Judge(s): Ryan D. Nelson
Court: U.S. Court of Appeals for the Ninth Circuit

3. Does this complaint concern the behavior of the judge(s) in a particular case or cases?

Yes No

If "yes," give the following information about each case:

Court: _____
Case Number: _____

Are (were) you a party or lawyer in the case?

Party Lawyer Neither

If you appealed the decision, please provide information about your appeal.

Case Number: _____
Current status of appeal: _____

Chief Judge Mary H. Murguia
United States Court of Appeals for the Ninth Circuit
c/o Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939

June 6, 2026

Dear Chief Judge Murguia:

My name is Gabe Roth, and I am executive director of Fix the Court, a nonpartisan organization that advocates for greater openness and accountability in the federal courts.

Today I file this complaint under the Judicial Conduct and Disability Act, 28 U.S.C. §§351ff, against Ninth Circuit Judge Ryan Nelson for actions that took place in Idaho Falls on April 2, 2026.

According to court records reported on in the press,¹ Judge Nelson engaged in a verbal spat over a parking space that afternoon that quickly escalated. The records describe, and video² of the incident from a nearby security camera confirm, that Nelson took the glasses off the other person involved and tossed them across the parking lot; stomped on the glasses and grabbed at the other person's phone. Nelson is heard on the video calling the other person an "asshole" five times in under a minute.

Even though one might fault the other person for precipitating the confrontation by twice telling Nelson, "Learn how to park," as the judge returned to his obliquely parked pickup from a nearby store, those comments were no reason to escalate the situation to this degree, with discretion being the better part of valor for anyone but especially for a federal judge.

Though Nelson's attorney told the press that Nelson "will work through the [Idaho] judicial system to resolve these personal charges," that's not the full picture, as there are additional factors at play when the alleged perpetrator of a crime, as here (destruction of property being a crime), is a federal judge.

First, the behavior Nelson displayed during the incident is inconsistent with his ethical obligations under Canon 1 of the Code of Conduct for U.S. Judges: that a judge "should maintain [...] high standards of conduct and should personally observe those standards [...]." That Canon applies to behavior both inside and outside the courtroom, as one does not stop being a federal judge one he leaves the courthouse.

Second is my concern that a row over a mere parking spot could set the judge off like this — it does not bode well for those appearing before him in court if he happens to be having a bad day, as April 2 appears to have been for him.

Due to this incident, I believe that Judge Nelson meets the grounds for admonishment under the Judicial Conduct and Disability Act and should be disciplined as the Chief Judge and Judicial Council see fit.

¹ See Jimmy Hancock, "Police: US 9th Circuit judge faces battery charge after parking lot confrontation turns physical in Idaho Falls," Idaho State Journal, June 5, 2026, available at <https://tinyurl.com/Judge-Nelson>.

² *Ibid.*; the video is embedded in Mr. Hancock's article online.

Finally, I ask you review why there has been a two-month delay by Nelson and by the Ninth Circuit between when the incident happened and when the larger public learned about it.

As a general rule, it's important that judges and the courts they work disclose these types of events soon after they occur.³

Otherwise, the public might assume some important details are being withheld or covered up. I'm not saying that's the case here, but those are the optics.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'G Roth', with a stylized flourish at the end.

Gabe Roth
Executive Director
Fix the Court

³ See, generally, Fix the Court's Feb. 24, 2026, complaint against E.D. Michigan Judge Thomas Ludington, available at <https://fixthecourt.com/wp-content/uploads/2026/02/Ludington-complaint-FTC-2.24.26.pdf>. Judge Ludington was arrested for a DUI on Oct. 3, 2025, but the public didn't learn about it until an enterprising Detroit News reporter found the police report and wrote a story about it nearly four months later, on Jan. 26, 2026. E.D. Michigan didn't say anything public about it until Feb. 23. Compare that incident to the case of Minnesota Court of Appeals Judge Renee Worke, who was arrested for a DUI on Nov. 29, 2025, and self-reported the incident to the state's Board on Judicial Standards two days later, which was the proper course of action; see Minnesota Board on Judicial Standards "In the Matter of Judge Renee L. Worke," Nos. 25-41, 25-43, 25-46, available at <https://www.bjs.state.mn.us/file/Public%20Reprimand%20-%20Worke.pdf>.