

**JUDICIAL COUNCIL OF THE  
TENTH CIRCUIT**

IN RE: COMPLAINT UNDER THE  
JUDICIAL CONDUCT AND  
DISABILITY ACT

No. 10-18-90118

Before **TYMKOVICH**, Chief Judge

**ORDER**

Complainant has filed a request for me to recuse myself from the consideration of any complaint of judicial misconduct against Supreme Court Justice Brett M. Kavanaugh, formerly a circuit judge on the U.S. Court of Appeals for the District of Columbia Circuit.<sup>1</sup> Complainant asserts that while working in the White House in 2003, Justice Kavanaugh advocated for my confirmation.

The source for the allegations appears to be documents provided to the Senate Judiciary Committee during Justice Kavanaugh's Supreme Court confirmation hearing. A search of those documents reveals only that Justice Kavanaugh sent an email shortly after I was confirmed proposing a press release about numerous judicial nominees, one of

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<sup>1</sup> Given the publicity this matter has already received, the Judicial Council in its dismissal order dated December 18, 2018, has determined that it is in the public interest to make the identity of the subject judge known. *See* Rules for Judicial-Conduct and Judicial-Disability Proceedings Rule 24(a)(2) (Jud. Conf. of the U.S. 2015).

whom was me. I am otherwise unaware that Justice Kavanaugh had any participation in my nomination or confirmation.

Under Rule 25 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, a judge may disqualify himself or herself if he or she, “in his or her discretion, concludes that circumstances warrant disqualification.” Rule 25(a). I have determined that the limited involvement described above does not warrant disqualification.

Accordingly, the request for recusal is denied.

So ordered this 18th day of December, 2018.



Honorable Timothy M. Tymkovich  
Chief Circuit Judge