

July 3, 2025

Clerk, Office of the Circuit Executive
United States Court of Appeals for the Ninth Circuit
ATTN: Judicial Misconduct Complaints
P.O. Box 193939
San Francisco, CA 94119-3939

Re: Judicial Misconduct Complaint against Chief Judge David C. Nye

Dear Clerk:

Enclosed please find my complaint under 28 U.S.C. § 351 concerning conduct by Chief District Judge David C. Nye (D. Idaho). I have attached:

1. Signed complaint form (3 pages).
2. Copy of Judge Nye's Memorandum Decision and Order (ECF 26) with the relevant paragraph highlighted.

Kindly acknowledge receipt and advise of any further requirements.

Sincerely,
Diego Rodriguez
(pro se litigant)

Judicial-Conduct and Judicial-Disability Proceedings Complaint
28 U.S.C. §§ 351–364
Rules for Judicial-Conduct and Judicial-Disability Proceedings

A. Complainant

Diego Rodriguez
1317 Edgewater Drive #5077
Orlando, FL 32804
freedommanpress@protonmail.com
(208) 891-7728

B. Subject Judge

Chief United States District **Judge David C. Nye**
United States District Court, District of Idaho (Boise Division)

C. Relevant Case and Document

St. Luke's Health System, Ltd. v. Bundy, et al.,
Idaho Case No. 1:23-cv-00212-DCN
"Memorandum Decision and Order" entered May 19, 2023 (ECF 26) – *Exhibit A*

D. Statement of Facts Showing Misconduct

1. I was a Defendant in the federal removal action referenced above. While I initiated the removal to federal court under 28 U.S.C. § 1441, I remained a Defendant in the case. I never appeared in federal court, never attended a hearing, never submitted any filing that denigrated or threatened opposing counsel, and no party moved for sanctions against me. To be clear, I never appeared before Judge Nye in any hearing, conference, or live proceeding—neither in person nor by remote means—and never submitted any oral or written argument that could justify such an admonition as follows.
2. Despite the fact that I never appeared in his court, Judge Nye's order (p. 9) publicly admonished:

"Lastly, Bundy, Rodriguez, and the Plaintiff entities are admonished that, in the future, if they are ever in federal court again, they are expected to conduct themselves with civility as required under District of Idaho Local Rule (Civil) 83.8. While zealous advocacy is always anticipated, the Court takes great umbrage when parties denigrate or threaten opposing parties or counsel."

(Judge Nye referred to us as "Plaintiffs" in his order, but this appears to be a mischaracterization. In fact, we were the Defendants who removed the case to federal court under 28 U.S.C. § 1441. The removal did not alter our role as Defendants.)
3. The docket contains no evidence that I or Ammon Bundy "denigrated or threatened" anyone in federal court. Judge Nye provided no citation, record reference, or finding to support this accusation. The accusation is unsupported and extrajudicial.

4. Judge Nye then granted a motion by Holland & Hart for \$18,103.05 in attorney's fees under 28 U.S.C. § 1447(c). However, his order included gratuitous and unsupported language accusing me and other parties of threats, despite no motion, citation, or record evidence justifying such an assertion.
5. Opposing counsel (Holland & Hart) has weaponized Judge Nye's false accusation in another filing. Quite egregiously, in their March 6, 2025 Respondent's brief to the Idaho Supreme Court, they cited Judge David Nye's quotation directly. This demonstrates the enduring reputational harm and due process consequences of Judge Nye's baseless accusation, which has now prejudiced proceedings in multiple jurisdictions.
6. Judge Nye referenced Local Rule 83.8 (civility), but no violation of that rule was ever found, alleged, or adjudicated in any filing, motion, or hearing. The statement appears to be based on extrajudicial narratives.

E. Rules & Canons Violated

- Under Rule 4(a)(2)(B) of the Judicial Conduct and Disability Rules, misconduct includes 'treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner.' Judge Nye's false and inflammatory accusation—issued without hearing, motion, or factual basis—not only violates this clear standard but has already been weaponized against me in other proceedings."
- Canon 2A of the Code of Conduct for U.S. Judges provides that: *"A judge should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."* The commentary further explains that: *"Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges... A judge must avoid all impropriety and appearance of impropriety."* Judge Nye's false, inflammatory accusation—made without notice, hearing, or factual basis—violates both the impartiality standard and the mistreatment prohibition. A judge should uphold the integrity and independence of the judiciary.

F. Why This Is Cognizable Misconduct

- The false accusation was extrajudicial (based on media narrative, not record evidence).
- It is defamatory and prejudicial, chilling my right of access to courts.
- This is precisely the type of conduct the Judicial-Conduct Rules label as *"prejudicial to the effective and expeditious administration of the business of the courts."*
- Judge Nye's comment — *"if they are ever in federal court again"* — is especially dangerous. It signals to other judges and officers of the court to treat me and Mr. Bundy as inherently uncivil or threatening. This type of future-looking bias undermines the fairness of future litigation and taints the perception of the judiciary. Had such language been used about a corporate party or a licensed attorney, it would have prompted outrage and swift discipline.

G. Requested Relief

1. A finding that Judge Nye's conduct violates Rule 4(a)(2)(B), which defines misconduct as *"treating litigants... in a demonstrably egregious and hostile manner."*

2. An order directing corrective action: that the district docket reflect a public correction or striking of the defamatory paragraph.
3. Appropriate disciplinary action (reprimand, censure, or other) to deter repeat behavior.
4. Recognition that Judge Nye's continued denial of my e-filing access, combined with the unwarranted sanction, evidences retaliatory prejudice warranting review.

Verification

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge, information, and belief.

Date: July 3, 2025



Diego Rodriguez (Complainant)

EXHIBIT A

**Memorandum Decision and Order – Highlighting
on Page 9 Judge David Nye’s Biased and
Defamatory Comment**

to ignore his federal rights. For this reason, the Court finds that removal is improper under § 1443.

4. Additional Procedural Defects

The Court also finds additional procedural defects that require remand.

First, 28 U.S.C. § 1446 requires that a notice of removal be filed within 30 after receipt of service. By waiting for almost a year into the state suit, and after a default judgment was entered against him, Bundy's Notice was filed long after the applicable deadline.

Second, as corporations and entities, Ammon Bundy for Governor, Freedom Man PAC, and Freedom Man Press must be represented by an attorney; none can proceed "pro se," nor can Bundy (or anyone else who is not an attorney) represent their interests. Dist. Idaho Loc. Civ. R. 83.4(d). Additionally, because these entities are not represented by counsel, they have technically not appeared, so they have not given consent to removal under 28 U.S.C. § 1466.

Third, Bundy failed to comply with the filing requirements, including filing a copy of the entire state court record. *See* Dist. Idaho Loc. Civ. R. 83.4(d).

Each of these reasons requires remanding this case.

Lastly, Bundy, Rodriguez, and the Plaintiff entities are admonished that, in the future, if they are ever in federal court again, they are expected to conduct themselves with civility as required under District of Idaho Local Rule (Civil) 83.8. While zealous advocacy is always anticipated, the Court takes great umbrage when parties denigrate or threaten opposing parties or counsel.

Bundy will have 21 days to respond. Dist. Idaho Loc. Civ. R. 7.1(c). Defendants may elect to file a reply 14 days thereafter.



DATED: May 19, 2023

A handwritten signature in dark ink, appearing to read "David C. Nye", written over a horizontal line.

David C. Nye
Chief U.S. District Court Judge