

**PETITION FOR REVIEW OF THE JUNE 10, 2026 ORDER
DISMISSING JUDICIAL-CONDUCT COMPLAINT**

PRELIMINARY STATEMENT - LIMITED NON-MERITS REVIEW

Jason Daniel Gandy does not ask the Judicial Council to reverse his conviction, reconsider suppression, decide whether any ruling was legally correct, order recusal, return property, or grant Rule 60(b) relief. He recognizes that 28 U.S.C. § 352(b)(1)(A)(ii) and Rules 3(h)(3)(A) and 11(c)(1)(B) exclude allegations directly related to the merits of a decision or procedural ruling. Rule 18 also confines review to facts stated in the complaint. Every comparison below was presented there.

The narrower allegation is an objectively testable record-integrity pattern: filings said one thing, but later descriptions attributed materially different arguments or requests to them. The inference alleged arises from repetition across separate proceedings, not from the claimed incorrectness of any single ruling. The Council can compare the documents without deciding the motions.

If the descriptions are accurate in context, or lack sufficient evidence to raise an inference of misconduct, the Council may say so. If the pattern was not separately examined because it was grouped with excluded merits disputes, Rule 19 permits return for further inquiry or appointment of a special committee.

I. DE 98 COMPARED WITH DE 141 - COUNSEL HISTORY

DE 141 states that Gandy “insisted on firing very good lawyers over and over and over again” and that “the record seems to indicate that he fired them.” Buckley responded that the changes had “been largely the lawyers themselves quitting the case or withdrawing.” DE 98 records Gandy telling Rosenthal about Flood: “I did oppose him quitting. I did not want him to quit.” As to Cogdell and DeBorde: “I don’t want them to quit. I would like them to stay on and go to trial.”

This petition does not ask whether any withdrawal should have been allowed. It asks whether the repeated-firing description was materially inconsistent with what Rosenthal personally heard, and whether the dismissal addressed that record-accuracy allegation rather than only a counsel-of-choice claim.

II. DE 174 COMPARED WITH DE 178 - THE ARGUMENTS DESCRIBED

The complaint identified DE 174, Buckley's Rule 29 motion, and DE 178, Rosenthal's denial order. Their differences were presented as another documentary example, not as a request that the Council grant acquittal.

Count One. DE 174 argued both that the Government failed to prove prostitution under United Kingdom law and that it failed to prove Gandy knew, or could be charged with knowledge, that the conduct was illegal under that law, particularly before his presence in the United Kingdom. DE 178 answered that minors cannot legally engage in prostitution, but did not address the separate knowledge argument as DE 174 framed it.

Count Two. DE 174 described K.V. as "wearing his underwear in the fashion of a loin cloth." DE 178 described him as "laying naked on the massage table." Underwear and naked are materially different descriptions of the same evidentiary issue.

Count Three. DE 178 characterized the argument as a claim that Gandy did not know transported images were child pornography. The complaint alleged that DE 174 and the trial argument disputed whether the images met the legal standard at all, describing them as nudist images and relying on the forensic record.

The question is not which argument should win. It is whether the filing was accurately described before its merits were rejected.

III. DE 285 COMPARED WITH DE 286 AND DE 288 - MORE THAN PROPERTY

The complaint alleged that DE 285 was treated as a motion for return of property although it also sought docket access, raised the July 20, 2012 interrogation and its alleged effect on later questioning of K.V., and included a compassionate-release request. It identified DE 286 as the Government's response and DE 288 as the later treatment of the filing.

This petition does not ask whether any request was proper or should have been granted. It asks whether a multi-request filing was disposed of through a property-only characterization, and whether that documentary allegation received separate consideration.

IV. DE 287 COMPARED WITH DE 289 - DERIVATIVE USE VERSUS DIRECT USE

The complaint alleged that DE 287 did not merely claim Gandy's challenged statements were introduced directly at trial. It asserted investigative or derivative use: information from the July 2012 questioning allegedly affected later questioning and evidence, including K.V.'s questioning, and it attacked the integrity of the earlier post-conviction process.

DE 289 rejected the narrower proposition that Gandy had not shown the statements themselves were used at trial. Direct introduction and alleged investigative or derivative use are not the same assertion. The Council is not asked to decide attenuation, suppression, Rule 60(b), successiveness, or prejudice. It is asked whether DE 289 answered a different proposition from DE 287 and whether the dismissal addressed that comparison.

V. DE 98 COMPARED WITH DE 302 - ACCESS DESCRIPTION

The complaint alleged that the reporter described DE 98 as "sealed EX PARTE" and required judicial authorization for release, while DE 302 later described it as not filed under seal. An innocent administrative distinction may exist. The requested review concerns reconciliation from the actual docket and access history, not the legality of sealing.

VI. THE COMPARISONS MUST BE CONSIDERED TOGETHER

The June 10 dismissal treated the underlying suppression, withdrawal, post-conviction, property, and other disputes as judicial acts or merits-related matters. Gandy agrees that the Council cannot decide those disputes. The remaining question is whether it separately addressed the alleged pattern of inaccurate factual characterization.

The complaint presented five documentary groups: (1) DE 98/141 on whether Gandy wanted counsel to leave; (2) DE 174/178 on what the Rule 29 motion argued and how evidence was described; (3) DE 285/286/288 on whether a multi-request filing was reduced to property alone; (4) DE 287/289 on derivative or investigative use versus direct trial use; and (5) the “sealed EX PARTE” access record versus DE 302’s “not filed under seal” description.

These are words in filings compared with materially different words later used to describe them. The petition asks whether each allegation was dismissed as merits-related under Rule 11(c)(1)(B), conclusively refuted by objective evidence after limited inquiry, or unsupported under Rule 11(c)(1)(D). Those grounds are not interchangeable.

The four-year suppression history, counsel departures, and resulting harm explain why the descriptions mattered, but are not independent requests for misconduct relief here. This petition does not ask the Council to treat delay in this one case as misconduct, decide whether a suppression hearing was required, or find structural error.

VII. AUTHORIZED ACTION

Under Rule 19(b), the Council may affirm; return the matter with directions for further inquiry under Rule 11(b) or identification under Rule 5; or return it for appointment of a special committee under Rule 11(f). Gandy requests only action within that list.

A limited inquiry may compare the documents and obtain an explanation without deciding criminal merits. If material facts are reasonably disputed, Rule 11(b) reserves factfinding and credibility determinations for a special committee.

VIII. REQUEST FOR REVIEW

Gandy asks the Council to review whether the June 10, 2026 dismissal accurately and separately addressed the non-merits allegation already presented: a repeated pattern in which filings were materially changed when later characterized, with the result that the requests actually made were not addressed as written.

He asks the Council to examine: (1) DE 98/141 concerning whether he repeatedly fired counsel or asked counsel to remain; (2) DE 174/178 concerning the Count One knowledge argument, Count Two underwear-versus-naked description, and Count Three nature-of-the-images argument; (3) DE 285/286/288 concerning the property-only characterization of broader requests; (4) DE 287/289 concerning alleged investigative or derivative use versus direct trial use; and (5) the actual DE 98 access history versus DE 302.

If the documents are consistent in full context, or the complaint lacks evidence sufficient to raise an inference of misconduct, Gandy asks that the disposition identify that basis. If the alleged pattern was not separately examined because every comparison was grouped with excluded merits issues, he asks the Council to return the matter for further inquiry under Rule 19(b)(2), or, if material facts are reasonably disputed and the threshold is met, for a special committee under Rule 19(b)(3).

Nothing requested would alter the conviction or any district-court ruling. The requested action is confined to accuracy and integrity in the judicial-conduct review.

Respectfully submitted,

Jason Daniel Gandy, Complainant / Petitioner, Pro Se

Date: _____