

**JUDICIAL COUNCIL OF THE SIXTH CIRCUIT**  
**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

In re:  
Complaint of Judicial Misconduct

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\*No. 06-13-90008  
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**M E M O R A N D U M**

This complaint was filed with the Judicial Council of the Sixth Circuit pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, P.L. 96-458, as amended by the Judicial Improvements Act of 2002, Pub. L. No. 107-203, the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and the Rules Governing Complaints of Judicial Misconduct adopted by the Judicial Council of the Sixth Circuit.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes:

- (1) that the claimed conduct, even if the claim is true, is not "conduct prejudicial to the effective and expeditious administration of the business of the courts" and does not indicate a mental or physical disability resulting in inability to discharge the duties of office;
- (2) that the complaint is directly related to the merits of a decision or procedural ruling;
- (3) that the complaint is frivolous, a term that includes making charges that are wholly unsupported.

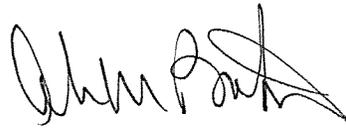
Rule 4(c), Rules Governing Complaints of Judicial Misconduct or Disability.

This complaint was filed by a pro se federal prisoner against a district judge who presided over complainant's criminal case. In his complaint of judicial misconduct, complainant contends that he was forced to plead guilty to engaging in a continuing criminal enterprise and money laundering. Complainant alleges that his prosecution was illegal, that the named district judge was biased against him, and that his guilty plea was improper. However, a review of the pertinent court records belies complainant's assertions that his prosecution and plea were improper, and demonstrates that complainant's assertion that the named district judge was biased against him is devoid of factual support.

This complaint will be dismissed both as directly related to the merits of the named judge's rulings in complainant's criminal case pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and

Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and as unsupported by any credible facts that might raise an inference that misconduct occurred in the case pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The named judge's decisions, including any allegedly improper failure to recuse, are not the proper subject of a complaint of judicial misconduct. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and has no jurisdiction to review any rulings by a judge or to grant relief from the named judge's decisions. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). Moreover, review of the pertinent court records reveals that complainant's assertions that the named judge was biased or otherwise acted improperly are devoid of any factual support that might raise an inference that misconduct occurred in his case. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, this complaint will be dismissed as directly related to the named judge's decisions pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rules 3(h)(3)(A) & 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and as unsupported by credible facts pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.



Alice M. Batchelder  
Chief Judge

Date: 03-25-14