

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

In re:
Complaint of Judicial Misconduct

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*No. 06-13-90043
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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 the debtor in a Chapter 13 bankruptcy proceeding against the bankruptcy judge who presided over the proceeding. The gravamen of this complaint of judicial misconduct is that complainant's attorney and the bankruptcy trustee did not keep complainant informed during the proceedings, and complainant does not understand how certain debts and assets were disbursed. However, even an indulgent reading of the complaint does not reveal any allegation of misconduct by the named bankruptcy judge. Moreover, a review of the pertinent bankruptcy court record reflects that, although the named bankruptcy judge dismissed complainant's bankruptcy proceeding after complainant failed to abide by court orders, no factual basis for any complaint of judicial misconduct is apparent.

Under these circumstances, this complaint of judicial misconduct must be dismissed as “lacking sufficient evidence to raise an inference that misconduct has occurred” 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