

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

In re:
Complaint of Judicial Misconduct

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*No. 06-13-90062
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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 made effective April 10, 2008, and the Rules Governing Complaints of Judicial Misconduct or Disability adopted by the Judicial Council of the Sixth Circuit adopted effective March 1, 2007.

The Act and the Rules provide for the initial screening of complaints by the Chief Judge of the Circuit. The Chief Judge may dismiss a complaint:

- (a) that is frivolous; or
- (b) that directly relates to the merits of a decision or procedural ruling of a judge; or
- (c) that fails to allege conduct or a condition of a judge or magistrate which is prejudicial to the effective and expeditious administration of the business of the courts.

This complaint was filed by a pro se prisoner against the Chief Circuit Judge. Complainant alleges in a conclusory manner that the Chief Judge actively concealed discrimination against complainant by a state-court administrator. Review of available court records reveals that complainant was convicted in state court in 1982, and that complainant unsuccessfully sought federal habeas corpus relief thereafter.

This complaint is unsupported by any credible facts that might warrant further proceedings and will be dismissed as such. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings. "An allegation may be dismissed as 'inherently incredible' even if it is not literally impossible for the allegation to be true. An allegation is inherently incredible if no reasonable person would believe that the allegation, either on its face or in light of other available evidence, could be true." Implementation of the Judicial Conduct and Disability Act of 1980: A Report to

the Chief Justice, Judicial Conduct and Disability Act Study Committee, Sept. 2006, p. 148. Complainant's allegation that the Chief Judge actively concealed discrimination is devoid of credible factual support in the complaint or otherwise, and this complaint will therefore be dismissed 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.

Entered as Chief Judge Pursuant to
28 U.S.C. § 351(c)



Danny J. Boggs

Date: APRIL 1, 2014