

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

In re:
Complaints of Judicial Misconduct

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*Nos. 06-13-
*90075/76/77/78
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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.

These complaints were filed by a pro se litigant against the federal judges who comprised a panel of the United States Court of Appeals for the Sixth Circuit that affirmed a district court judgment that dismissed a civil rights action complainant filed against state judicial authorities. Complainant filed three similar complaints of judicial misconduct and contends that the panel judges are mentally disabled and believe they can benefit others with their corrupt decisions. Complainant also filed a fourth complaint of judicial misconduct in which he named the Chief Circuit Judge and similarly contended that she was mentally disabled, although any direct role she had in complainant's underlying proceeding is unclear.

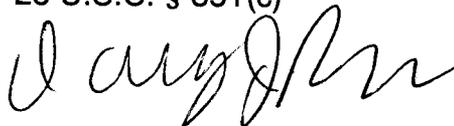
These complaints are subject to dismissal in part as directly related to the merits of the named panel judges' ruling pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The

gravamen of the complaints against these judges is an abusive challenge to the merits of a panel's decision in complainant's appeal. The panel's ruling is not the proper subject of a complaint of judicial misconduct, including any allegedly improper failure to recuse. 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 the panel's rulings, or to grant the relief requested in the underlying civil action or appeal. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

Otherwise, complainant's conclusory allegations of mental incompetence and improper actions are devoid of support by any credible facts that might warrant further investigation pursuant to 28 U.S.C. § 353. "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 allegations are inherently incredible and will be dismissed as insufficiently supported by credible facts to warrant further proceedings 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.

For these reasons, these complaints will be dismissed both as directly related to the merits of the named panel judges' ruling 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 otherwise as insufficiently supported 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.

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



Danny J. Boggs

Date: _____

APRIL 1, 2014