

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

In re:
Complaint of Judicial Misconduct

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*No. 06-13-90100
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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 litigant against a district judge who presided over complainant's employment discrimination action filed in the district court in 1999. Complainant contends that he won his case and that the named district judge ordered the defendant to compensate complainant, but that he did not get notice of the district court's judgment and that he is unable to access the judgment because it has been filed under seal.

Upon a limited inquiry and review of the available court records pursuant to 28 U.S.C. § 352(a), this complaint will be dismissed as without factual foundation pursuant to 28 U.S.C. § 352(b)(1)(B) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. It is not clear that complainant alleges any misconduct by

the named district judge at all, but to the extent the complaint and complainant's subsequent communications can be read as doing so, the pertinent court records belie the allegations. The district judge granted summary judgment for the defendant employer in complainant's underlying case, and the Sixth Circuit affirmed the judgment. Moreover, the judgment is not sealed. In short, the record reflects nothing that suggests that any misconduct occurred. Under these circumstances, this complaint of judicial misconduct must be dismissed pursuant to 28 U.S.C. § 352(b)(1)(B) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.



Alice M. Batchelder
Chief Judge

Date: 08-01-14