

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

In re:
Complaint of Judicial Misconduct

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*No. 06-13-90106
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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, who objects that the Chief Circuit Judge had not acted on prior complaints of judicial misconduct he filed against other federal judges. Absent an allegation of improper motive, any allegation concerning a delay in making a decision in a particular matter does not constitute misconduct cognizable in the judicial complaint process. See Rule 3(h)(3)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The judicial complaint procedure is not intended to be used to force a ruling on a particular matter that is alleged to have been pending before a judge for an excessive time. See Rule 1(e), Rules Governing Complaints of Judicial Misconduct or Disability.

Nonetheless, review of the appropriate records reveals that complainant's prior complaints of judicial misconduct have been duly considered and dismissed. Moreover, complainant does not allege that any delay in considering his complaints was the result of

an improper motive. Under these circumstances, this complaint of judicial misconduct will be dismissed as lacking sufficient evidentiary basis to infer that misconduct 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.

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



Danny J. Boggs

Date: APRIL 1, 2014