

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

In re:
Complaint of Judicial Misconduct

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*Nos. 06-13-
*90122/123/124
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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.

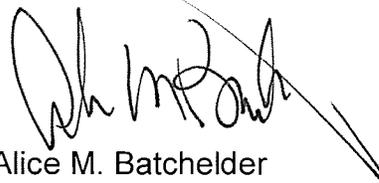
Rule 4(c), Rules Governing Complaints of Judicial Misconduct or Disability.

This complaint was filed by a pro se frequent litigant against two magistrate judges and a district judge who presided over two civil actions complainant filed in the district court. In her complaint of judicial misconduct, complainant asserts no factual basis for her complaint, but complainant appended an objection to a magistrate judge’s recommendation she filed in one of her cases. In subsequent correspondence, complainant objects to her treatment on a variety of grounds.

This complaint is subject to dismissal 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. Complainant’s complaint of judicial misconduct does not provide any evidence that judicial

misconduct occurred, and to the extent that her subsequent correspondence can be read to allege that the named judges engaged in improper conduct, the allegations are unsupported by credible facts that might warrant an investigation by a special committee appointed 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. A fair reading of this complaint and subsequent correspondence, in conjunction with a review of the available court records, reveals that any allegation of misconduct is devoid of factual support and inherently incredible. The complaint therefore will 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.

For these reasons, this complaint will 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.

A handwritten signature in black ink, appearing to read "Alice M. Batchelder", with a long, sweeping flourish extending to the right.

Alice M. Batchelder
Chief Judge

Date: 08-01-14