

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

In re:  
Complaint of Judicial Misconduct

\*  
\*  
\*No. 06-14-90001  
\*  
\*  
\*  
\*

**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 litigant against a circuit judge who, complainant alleges, conspired with other circuit judges to deny the complainant's appeal. The judges with whom the subject judge of this complaint is alleged to have conspired were circuit judges who sat on an appellate panel that affirmed a district court judgment that dismissed the complainant's civil rights actions. His complaint against those judges was denied. All told, the complainant has filed six previous complaints against fourteen judges, all of which were denied as merits related, frivolous, inherently incredible, and/or abusive.

The circuit judge who is the subject of this complaint has no connection to any of complainant's appeals. Complainant's bald allegations of conspiracy are insufficiently supported by credible facts to warrant either a limited inquiry as authorized by 28 U.S.C.

§ 352(b) or 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. Complainant's allegations of mental incompetence and conspiracy, even read indulgently, are abusive, devoid of factual support, and inherently incredible, particularly in light of the other available evidence of record. 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.

The complainant has established a pattern of abusive and frivolous complaints. Although his previous complaints have variously alleged disability, conspiracy, bias, and criminal conduct, they are all related to his dissatisfaction with the results of several civil actions that were decided against him. Complainant was warned, in connection with his last complaint, that further complaints of this nature would be referred to the Judicial Council for consideration of the imposition of restrictions on his continuing ability to file judicial complaints, pursuant to Rule 10(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Having ignored that warning, complainant is now put on notice that the matter will be so referred.



Alice M. Batchelder  
Chief Judge

Date: 08-01-14