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

In re:	*
Complaints of Judicial Misconduct	*
	*Nos. 06-14-
	*90008/09/10
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MEMORANDUM

These complaints were 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.

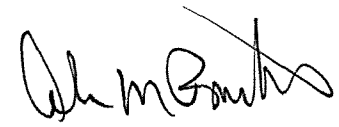
These complaints were brought against three federal judges who presided over some of the eighteen civil actions that the complainant has filed in the same district court. The first subject judge is a district judge who adopted a magistrate judge's recommendation to dismiss one of complainant's actions and to impose pre-filing restraints on her future ability to file in the district court. The second subject judge is the magistrate judge who issued that recommendation. The third subject judge is a magistrate judge who apparently denied her bond in an underlying criminal action.

Complainant's allegations against the first judge are that "he dismissed [her underlying civil action] because he was being bias [sic]." The only allegations against the second subject judge is that "he made a memorandum and order." Her only allegation

against the third subject judge is that he denied her bond even though she had full-time employment at the time.

These complaints are subject to dismissal as directly related to the merits of the named judges' decisions in complainant's underlying proceedings 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. Such decisions are not the proper subject of a complaint of judicial misconduct. *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 named judges' rulings or to grant relief requested in the underlying cases. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

For these reasons, these complaints will be dismissed 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.



Alice M. Batchelder
Chief Judge

Date: 08-01-14