

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

In re:  
Complaints of Judicial Misconduct

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\*Nos. 06-14-90030/42  
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**M E M O R A N D U M**

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 filed by a frequent litigant who has had at least seven separate civil cases dismissed and has been restricted from further filing in the district court. The district judge named in complaint no. 06-14-90030 presided over three of those prior cases, but not the one that the complainant lists on the form portion of her complaint as the case in which the subject judge’s actionable misconduct occurred. In any event, that complaint does not make any specific allegations against the subject judge other than he at some point in one of her cases asked her if she had counsel. Complaint no. 06-14-90042 names the magistrate judge who was assigned to all of those cases, but makes no allegations of misconduct on the part of that magistrate judge. Instead of alleging misconduct on the part of the subject judges, both complaints refer to bankruptcy proceedings, stolen patents, and attorneys who allegedly lied to the complainant, forged

documents, and committed malpractice. She is obviously dissatisfied with the outcome of at least some of the underlying proceedings, and states in complaint no. 06-14-90030 that she “ha[s] all the evidence that shows [her] case was decided illegally,” although she does not specify to which of her many cases she refers. Under the most liberal interpretation of her complaint possible, she seems to be alleging that one or both of the subject judges wrongly decided one or more of the matters to which they were assigned.

To the extent either complaint sufficiently alleges any misconduct on the part of either subject judge, they are both subject to dismissal as directly related to the merits of the named judges’ decisions in the 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 proceedings. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

For these reasons, the 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