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

In re:	*
Complaint of Judicial Misconduct	*
	*Nos. 06-14-
	*90035/36/37
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MEMORANDUM

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 names two district judges and a bankruptcy judge. One of the district judges presides over a 28 U.S.C. § 1983 action that the complainant brought against the City of Detroit, which is currently stayed pursuant to 11 U.S.C. § 362(a) as the result of Detroit's voluntary Chapter 9 petition. The other district judge named in the complaint is the chief judge of the district. The bankruptcy judge named in the complaint is presiding over the Detroit bankruptcy proceedings.

The only discernable allegation in the all-but-incomprehensible complaint is that the three subject judges engaged in "judicial oversights," which are delaying his "overdue" judgment against the City of Detroit. To the extent the complainant is attempting to challenge the automatic stay resulting from the Detroit bankruptcy proceedings and its

effect on his case, his complaint is subject to dismissal as directly related to the merits of the subject judges' rulings in the underlying actions 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. To the extent he is complaining about the delay in the progress of his § 1983 case, Rule 3(h)(3)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings specifically provides that a delay in making a ruling or decision, without more, does not constitute misconduct cognizable in the judicial complaint process. Any allegations of delay that are not directly related to the propriety of the automatic stay are thus appropriately dismissed 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.

For these reasons, this complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) and Rules 11(c)(1)(B) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Alice M. Batchelder
Chief Judge

Date: 08-01-14