

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

In re:
Complaint of Judicial Misconduct

*
*
*No. 06-14-90062
*
*
*
*

M E M O R A N D U M

This complaint of judicial misconduct was filed by a pro se prisoner against a district judge who, according to the complainant, concealed fraud committed by a former district judge. Review of available court records reveals that the former district judge dismissed the complainant's habeas corpus petition in 1982. In 2006, the complainant filed a "Motion to Expose Neglect" in the closed 1982 case. The matter was assigned to the subject district judge, who denied the "Motion to Expose Neglect" and various additional motions that the complainant filed in 2007, 2009, 2010, 2011, 2013, and 2014. Most recently, the subject district judge denied the complainant's several pending motions on May 16, 2014, stating that the complainant "has not established any fraudulent conduct on the part of" the former district judge.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes: (A) that the claimed conduct, even if it occurred, "is not 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 judicial office"; (B) that the complaint "is directly related to the merits of a decision or procedural ruling"; (C) that the complaint is "frivolous," a term that applies to charges that are wholly unsupported; or (D) that the complaint "lack[s] sufficient evidence to raise an inference that misconduct has occurred." Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

This complaint is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the subject district judge's decisions denying relief from the alleged fraud of the former district judge. The complainant does not allege that the subject district judge concealed fraud by any means other than the rulings on the complainant's motions.

Accordingly, this complaint 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.

/s/ R. Guy Cole, Jr.
Chief Judge

Date: October 16, 2014