

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

In re:
Complaint of Judicial Misconduct

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*No. 06-14-90064
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M E M O R A N D U M

This complaint of judicial misconduct was filed by a pro se litigant against the district judge who, adopting the report and recommendation of a magistrate judge, dismissed the complainant's civil-rights action. The complaint is difficult to decipher, but the thrust of it is that the district judge's ruling was discriminatory.

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 district judge's order and judgment dismissing the complainant's civil-rights action. See *also* 28 U.S.C. § 352(b)(1)(A)(ii). The complainant does not identify any basis, aside from the district judge's ruling, for the allegation of discrimination.

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 20, 2014