

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

In re:
Complaint of Judicial Misconduct

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*Nos. 06-14-
*90065/66/67
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M E M O R A N D U M

This complaint of judicial misconduct was filed by a federal prisoner against the two circuit judges and the district judge who sat on a panel that affirmed a district court’s denial of the complainant’s Federal Rule of Civil Procedure 60(b) motion. This is the third judicial complaint that he has filed against judges involved in his multiple challenges to his criminal conviction and resulting 444-month sentence. The previous two complaints were denied because they raised only challenges to the subject judges’ rulings in the underlying proceedings. The complainant makes similar challenges in his current complaint, arguing that the subject judges’ opinion on appeal—which he repeatedly characterizes as a “trash kangaroo court dismissal of [his] appeal”—ignored or mischaracterized his arguments, was contrary to the evidence, and was “illegally done as a government crony good old boy” cover up. He claims that the subject judges are “guilty of treason, sedition, insurrection, conspiracy, and fraud against the citizenry of the United States,” and suggests that hanging would be an appropriate punishment for their transgressions.

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 as directly related to the merits of the named judges’ decisions in the underlying criminal 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 case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

For these reasons, the 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 30, 2014