

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

In re:
Complaint of Judicial Misconduct

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*No. 06-14-90085
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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 presided over an international custody dispute between complainant and his estranged wife, who he contended had illegally abducted their child from the foreign country where they had been temporarily living and where the child was born. The complainant contends that the subject judge had a conflict of interest based on his friendship with a United States Senator whose staff assisted the complainant's estranged wife in obtaining documents that allowed her and the couple's child to return to the United States from the country where the couple had temporarily lived. Complainant contends that this connection should have disqualified the judge from presiding over the proceedings below. The complainant, who is a foreign national, also devoted a good deal of his complaint to challenging his ICE custody (which was apparently ended by his voluntary departure to his home country) and challenging the Senator's involvement in the process leading up to complainant's wife's return to the United States.

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.

Taking all of complainant's allegations regarding the subject judge's relationship to the Senator as true, the complainant has not identified any cognizable misconduct on part of the subject judge. The process by which the complainant's estranged wife returned to the United States was not an issue or in fact related to any matter at issue in the underlying dispute. The complainant did not request the subject judge to recuse or disqualify himself

based on the judge's relationship with the Senator, and no such request would have been supported by law or fact. Because the complainant's allegations do not allege conduct that "is prejudicial to the expeditious administration of the business of the courts and does not indicate a mental or physical disability resulting in an inability to discharge the duties of judicial office," these allegations are dismissed under Rule 11(c)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

The complainant's challenges to the conduct of the Department of Homeland Security and the actions of a United States Senator are not cognizable in these proceedings, which cover only the actions, conduct, or capacity of federal judges. See Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, the complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: November 26, 2014