

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-14-90140  
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**M E M O R A N D U M**

This complaint of judicial misconduct was filed by a litigant against the magistrate judge who presided over the complainant's personal-injury action. The complaint alleges that the magistrate judge conducted "a question and answer[] game of trivia" with jurors as they waited for testimony to begin. After the filing of this complaint, the magistrate judge retired.

After conducting an initial review, the chief judge may dismiss a misconduct 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"; (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 must be dismissed under Rules 4 and 11(c)(1)(G) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings because the subject of the complaint, a former United States magistrate judge, is no longer covered by the Rules. In any event, the alleged conduct is not prejudicial to the effective and expeditious administration of the business of the courts and thus does not constitute cognizable misconduct. See Rule 3(h)(1), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, the complaint will be dismissed pursuant to Rules 4 and 11(c)(1)(G) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: March 12, 2015