

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

In re:
Complaint of Judicial Misconduct

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*No. 06-15-90033
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M E M O R A N D U M

This complaint was filed by a pro se litigant against a district judge who presided over his civil rights action (and against whom the complainant filed a subsequent, separate civil action). This complainant has previously filed nine judicial complaints in this court, in three of which he named the same judge who is the subject of the instant complaint.

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.

The instant complaint is almost impossible to interpret, lacking a single complete sentence. The previous complaints, liberally interpreted, challenged the subject judge’s rulings in the same underlying civil action, and were dismissed as either directly related to the merits of the judge’s rulings 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, as raising non-cognizable allegations of delay under Rule 3(h)(3)(B) of those Rules, or as repetitious under Rule 11(c). This complaint is similar to the previous complaints in that it seems to challenge the subject judge’s rulings in the underlying civil action.

Complaints that repeat the allegations of previous complaints may be dismissed if they contain no new, material information that was not previously considered. See Rule 11(c)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The instant complaint contains no new information or allegations, and thus may be dismissed under Rule 11(c)(2). Even were it not a repetition of the previous complaint, the current complaint would still be appropriately dismissed as directly related to the merits of the judge’s rulings 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.

For these reasons, the complaint is dismissed as repetitive of the previous complaint pursuant to Rule 11(c)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: August 28, 2015