

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

In re:
Complaint of Judicial Misconduct

*
*
*No. 06-15-90038
*
*
*
*

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 was assigned to his civil-rights action. The complaint alleges that the district judge personally dislikes the complainant and for that reason conspired with defense counsel to rule against him.

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.

A review of the district-court record reveals that the district judge denied the complainant's motion for a temporary restraining order and injunction, denied the complainant's motion for judgment on the pleadings or summary judgment, and granted the defendants' motion for summary judgment. Final judgment was entered in June 2010.

This complaint is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the district judge's rulings. See also 28 U.S.C. § 352(b)(1)(A)(ii). Any challenge to the merits of a judge's decision is outside the scope of judicial-misconduct proceedings. 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 any ruling by a judge. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331, 331-32 (6th Cir. 1988).

Insofar as the complaint alleges that the district judge's rulings were motivated by dislike for the complainant, it is subject to dismissal under Rule 11(c)(1)(C) as wholly unsupported by any evidence. See *also* 28 U.S.C. § 352(b)(1)(A)(iii).

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

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

Date: August 28, 2015