

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90043  
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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 magistrate judge who was assigned to two civil-rights actions that the complainant filed. The complaint alleges that the magistrate judge struck a motion filed by the complainant, threatened to dismiss her case, and ordered the district court clerk not to accept any pleadings from her. The complaint further alleges that the magistrate judge refused to recuse herself, despite a conflict of interest, and dismissed both of the complainant's actions.

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 magistrate judge conducted a status conference in the complainant's first civil-rights action, at which the magistrate judge (1) advised the parties of a potential conflict of interest, to which the parties did not then object; (2) explained that the defendants were not properly before the court because summonses had not yet been issued; and (3) ordered the parties not to file any additional pleadings until the screening process was complete. The complainant filed a motion before the completion of the screening process. The magistrate judge then struck that motion, directed the clerk not to accept other submissions from the complainant pending further order of the court, and warned the complainant that failure to comply with the court's orders could result in dismissal of the action.

Meanwhile, the complainant filed her second civil-rights action and several additional pleadings. The magistrate judge struck the additional pleadings and warned the complainant that failure to comply with the rules of procedure could result in dismissal. The complainant moved for recusal of the magistrate judge in both actions, and the magistrate judge denied the motions. The magistrate judge then issued reports recommending that both actions be dismissed for failure to state a claim. The district judge assigned to the cases adopted those recommendations.

This complaint is subject to dismissal under Rule 11(c)(1)(B) because it is directly related to the merits of the magistrate judge's orders and recommendations. See also 28 U.S.C. § 352(b)(1)(A)(ii). Any challenge to the merits of a judge's decisions 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).

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: August 28, 2015