

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

In re:
Complaint of Judicial Misconduct

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*No. 06-15-90048
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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 prisoner against the magistrate judge who was assigned to his civil-rights action. 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.

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: August 28, 2015