

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90060  
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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 district judge who was assigned to his civil-rights action. The complaint alleges that the district judge “refuses to summons defendants” and has “stopped all process on [the] case.”

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 screened the complainant’s action, dismissed his claims against one defendant, and instructed the clerk to send the complainant service packets for the remaining defendants. The district judge later granted the complainant’s motion to amend his complaint and instructed the clerk to send a service packet for an additional defendant. Summonses were issued by the court and served by the Marshal’s Office. All defendants have answered, and a scheduling order has been issued.

This complaint is subject to dismissal under Rule 11(c)(1)(C) because its allegations are directly refuted by the record. *See also* 28 U.S.C. § 352(b)(1)(A)(iii). Contrary to the complaint’s allegations, the district judge caused summonses to be issued for all defendants (except the one that was dismissed), and the case is proceeding.

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

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

Date: November 10, 2015