

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaint of Judicial Misconduct

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*No. 06-15-90076
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MEMORANDUM

This complaint of judicial misconduct is the third that the complainant has filed against the bankruptcy judge who is presiding over his Chapter 7 proceedings. The complainant again alleges that the subject judge erred in her rulings, that the judge does not believe what the complainant says, and that the judge always takes positions adverse to those of the complainant.

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.

To the extent that it repeats the allegations of previous complaints, this complaint is subject to dismissal under Rule 11(c)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. To the extent that it contains new allegations, the complaint is subject to dismissal as directly related to the merits of the judge's rulings. See 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, this complaint will be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) & (c)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: November 10, 2015