

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-16-90008  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] (“subject judge”), pursuant to 28 U.S.C. § 351. The complaint alleges that the subject judge improperly denied the complainant’s motion to amend a civil complaint that he had filed and improperly granted the defendant’s motion for judgment on the pleadings. The complaint further alleges that the subject judge is biased 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; see 28 U.S.C. § 352(a), (b).

An initial review of the district-court record reveals that the complainant filed a civil action that was assigned to the subject judge. The defendant in that action filed an answer, the complainant filed a motion to amend the complaint, and the defendant filed a motion for judgment on the pleadings. The subject judge denied the motion to amend and granted the motion for judgment on the pleadings.

The allegations of this judicial-misconduct complaint are based entirely on the subject judge’s rulings in the civil action. Accordingly, this complaint is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the judge’s rulings. See *also* 28 U.S.C. § 352(b)(1)(A)(ii). Any challenge to the merits of a judge’s rulings 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 decision by a judge. See *In re Complaint of*

*Judicial Misconduct*, 858 F.2d 331, 331-32 (6th Cir. 1988). Jurisdiction to review the subject judge's rulings lies with the court of appeals. The complaint's allegations of bias are wholly unsupported and thus subject to dismissal under Rule 11(c)(1)(C). See *also* 28 U.S.C. § 352(b)(1)(A)(iii).

For these reasons, it is **ORDERED** that the complaint 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: October 12, 2016