

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

In re:
Complaint of Judicial Misconduct

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*Nos. 06-13-90052/53
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M E M O R A N D U M

This complaint was filed with the Judicial Council of the Sixth Circuit pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, P.L. 96-458, as amended by the Judicial Improvements Act of 2002, Pub. L. No. 107-203, the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and the Rules Governing Complaints of Judicial Misconduct adopted by the Judicial Council of the Sixth Circuit.

After conducting an initial review, the chief judge may dismiss a complaint as to which he concludes:

- (1) that the claimed conduct, even if the claim is true, is not “conduct 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 office;
- (2) that the complaint is directly related to the merits of a decision or procedural ruling;
- (3) that the complaint is frivolous, a term that includes making charges that are wholly unsupported.

Rule 4(c), Rules Governing Complaints of Judicial Misconduct or Disability.

This complaint was filed by a pro se prisoner against the two district judges who, complainant alleges, improperly recharacterized criminal complaints and a complaint of misconduct as civil actions in violation of Supreme Court precedent. As a result, complainant contends that he is barred from filing new actions in forma pauperis and that he may send only ten dollars per month from his inmate account.

This complaint is subject to dismissal as directly related to the merits of the named district judges’ rulings in complainant’s underlying cases 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. Such rulings are not the proper subject of a complaint of judicial misconduct. 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, or to grant any relief requested in the underlying cases or relief requested on appeal from the underlying orders and judgments. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). In fact, complainant acknowledges that he appealed many of the rulings at issue to the appropriate appellate court with jurisdiction to review those rulings. However, this complaint of judicial misconduct constitutes an improper direct challenge to the merits of the rulings at issue and will be dismissed as such.

For the foregoing reasons, this complaint is 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.



Alice M. Batchelder
Chief Judge

Date: 03-25-14