

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-13-90137  
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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 made effective April 10, 2008, and the Rules Governing Complaints of Judicial Misconduct or Disability adopted by the Judicial Council of the Sixth Circuit adopted effective March 1, 2007.

The Act and the Rules provide for the initial screening of complaints by the Chief Judge of the Circuit. The Chief Judge may dismiss a complaint:

- (a) that is frivolous; or
- (b) that directly relates to the merits of a decision or procedural ruling of a judge; or
- (c) that fails to allege conduct or a condition of a judge or magistrate which is prejudicial to the effective and expeditious administration of the business of the courts.

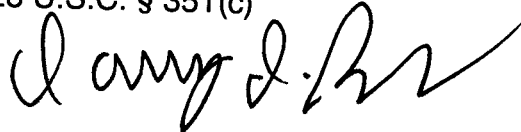
This complaint was filed by a pro se litigant, who objects that the Chief Circuit Judge had not acted on his prior complaint of judicial misconduct filed against a district judge who granted summary judgment for the defendant employer after the federal government declined to intervene in a *qui tam* action complainant filed. Complainant contends that the Chief Circuit Judge suppressed his complaint of judicial misconduct, and other general complaints about herself and about the Sixth Circuit's Circuit Executive, to cover up the claims he asserted in his underlying *qui tam* action.

Absent an allegation of improper motive, any allegation concerning a delay in making a decision in a particular matter does not constitute misconduct cognizable in the judicial complaint process. See Rule 3(h)(3)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The judicial complaint procedure is not intended to be used to force a ruling on a particular matter that is alleged to have been pending before a judge for

an excessive time. See Rule 1(e), Rules Governing Complaints of Judicial Misconduct or Disability. Nonetheless, review of the appropriate records reveals that complainant's prior complaint of judicial misconduct was duly considered and has been dismissed.

The complaint against the Chief Judge is frivolous and will be dismissed as such. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant's assertion that the district judge named in his earlier complaint of judicial misconduct did not receive a copy of that complaint is groundless. Complainant's conclusory assertion that any delay in considering his earlier complaint of judicial misconduct was part of a cover up is devoid of any factual basis and patently meritless. Any complaint against the Circuit Executive is not cognizable in these proceedings, as the governing rules pertain only to the conduct of judges. Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Entered as Chief Judge Pursuant to  
28 U.S.C. § 351(c)



Danny J. Boggs

Date: AUGUST 5, 2014