

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

In re:
Complaint of Judicial Misconduct

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*No. 06-14-90058
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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 presided over his unsuccessful civil-rights action. According to the complainant, the district judge “has shown an unwarranted biased attitude toward plaintiff in all of his filings, as is evidenced from the record.” The complainant cites several specific rulings as evidence of the district judge’s alleged bias.

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.

This complaint is subject to dismissal as directly related to the merits of the district judge’s decisions. The complainant’s allegation of bias is based entirely on the judge’s rulings, which the complainant believes to be erroneous. His remedy for any erroneous ruling of the district court lies in an appeal to the Sixth Circuit, not in a judicial-misconduct proceeding. The judicial council is not a court and has no jurisdiction to review any decision of a district judge.

For these reasons, this complaint will be 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.

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

Date: October 16, 2014