

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

In re:
Complaints of Judicial Misconduct

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*Nos. 06-14-
*90068/96/97/98
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M E M O R A N D U M

These complaints of judicial misconduct was filed by a pro se litigant against four bankruptcy judges. Two of the bankruptcy judges presided over an adversary proceeding in which the complainant was ordered to pay damages to the debtor, for whom he had fraudulently prepared bankruptcy papers. The other two bankruptcy judges presided over separate proceedings in which the complainant was the debtor. The complainant obtained a discharge in the first of these proceedings, but in the second he was found to be ineligible due to his prior discharge.

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.

In part, the complaints are subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the bankruptcy judges’ rulings. See *a/so* 28 U.S.C. § 352(b)(1)(A)(ii). The complainant identifies particular orders in the adversary proceeding and his second bankruptcy proceeding as grounds for his judicial-misconduct complaint, but his disagreement with those orders is a basis for appeal, not misconduct proceedings.

The complaints are also subject to dismissal in part under Rule 11(c)(1)(C). See *a/so* 28 U.S.C. § 352(b)(1)(A)(iii). The complainant alleges that the bankruptcy court is corrupt, fraudulent, wasteful, and abusive and that the judge presiding over his second bankruptcy proceeding was biased against him. None of these allegations are supported by any facts. The one specific, factual allegation contained in the complaint—that the first

bankruptcy judge to preside over the adversary proceeding signed an order and a warrant for the complainant's arrest at a hearing about which the complainant had not been given notice—is flatly contradicted by the record, which reflects timely mailing of notice to the complainant's last known address.

For these reasons, the complaints will 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 30, 2014