

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

In re:
Complaint of Judicial Misconduct

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*No. 06-14-90079
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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 litigant against the district judge who presided over two civil actions involving the complainant (one as plaintiff, one as defendant) that were removed to the district court from a state court. Complainant contends that she did not receive a fair hearing because the subject judge and the defendants made “nonsensical” arguments against her status as a “Dejure Non-Citizen U.S. National and natural-born Citizen of the Aboriginal Republic of North America, Xi-Amaru Tribal Government.” She also complains that the subject judge gave inadequate notice before converting the defendants’ motion to dismiss to a motion for summary judgment, denied her motion for oral argument, granted the defendants leave to file a late response without seeking her consent, and denied an evidentiary hearing.

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.

The gravamen of the complaint is the complainant’s dissatisfaction with the conduct and outcome of the underlying proceedings. The decisions of a judge in an underlying action 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 the named judge’s rulings or to grant relief requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This complaint is therefore appropriately 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.

For these reasons, the 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 30, 2014