

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

In re:  
Complaint of Judicial Misconduct

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\*Nos. 06-14-90086/87  
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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 and magistrate judge who were assigned to the complainant's civil-rights action against a multitude of corrections-department and prison officials. The complaint alleges that the judges conspired to use their judicial office to obtain special treatment for friends or relatives who are defendants in the complainant's civil action. According to the complainant, the judges purposely delayed and impeded the litigation, improperly denied the complainant's motions, and ruled for the defendants despite evidence supporting the complainant's claims. The complainant requests that the Judicial Council disqualify the judges from the civil action, vacate certain rulings, grant all of the complainant's motions, and order a jury trial.

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 complainant's allegations that the district judge delayed the civil-rights litigation and used his office to obtain special treatment for friends and relatives were raised and addressed in a previous judicial-misconduct complaint, No. 06-13-90061. As in the previous proceeding, the portion of this complaint making those allegations, whether against the district judge or the magistrate judge, is subject to dismissal under Rule 11(c)(1)(D). See also 28 U.S.C. § 352(b)(1)(A)(iii).

The remainder of this complaint is subject to dismissal under Rule 11(c)(1)(B) because it is directly related to the merits of the judges' rulings in the civil action. See *also* 28 U.S.C. § 352(b)(1)(A)(ii). The judges' procedural rulings and merits determinations are outside the scope of judicial-misconduct proceedings. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council has no jurisdiction to review any rulings by a judge or to grant the relief requested by the complainant. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988).

For these reasons, this complaint will be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) & (iii) and Rule 11(c)(1)(B) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: November 26, 2014