

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

In re:  
Complaints of Judicial Misconduct

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\*Nos. 06-14-90106/08  
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**M E M O R A N D U M**

These complaints of judicial misconduct were filed by a pro se litigant against the district judge and magistrate judge who were assigned to the complainant's civil-rights action. The complaints allege that the judges improperly dismissed the complainant's action, that the judges showed favoritism toward the defendant and bias against the complainant, and that the judges should have been disqualified from hearing the complainant's action because they had dismissed his prior civil actions. The complainant requests reinstatement of his district-court case before a different magistrate judge and district judge.

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.

An initial review of the district-court record reveals that the complainant's civil-rights action was transferred to the district in which the subject judges sit and was assigned to them on May 27, 2014. This was at least the fourth action brought by the complainant against the same defendant; three prior actions, each of which was assigned to the subject district judge or the subject magistrate judge, had been dismissed (one of them voluntarily). The district judge screened the most recent action under the Prison Litigation Reform Act and dismissed it on June 2, 2014.

The heart of these complaints is the complainant's dissatisfaction with the dismissal of his 2014 civil-rights action, as well as with the dismissals of his prior

actions. The complaints' allegations of favoritism, bias, and "conflict of interest" are based on nothing more than the subject judges' rulings. Accordingly, these complaints are subject to dismissal under Rule 11(c)(1)(B) as merits related. See also 28 U.S.C. § 352(b)(1)(A)(ii). The judges' 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, these complaints 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: December 22, 2014