

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

In re:
Complaint of Judicial Misconduct

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*No. 06-14-90127
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M E M O R A N D U M

This complaint was filed by a frequent litigant who has filed civil suits claiming, among other things, that he is the son of President Obama. He was ultimately arrested after an altercation with United States Marshals in a United States District Court Clerk's Office. After he was found incompetent to stand trial, he was remanded to the custody of the Attorney General for treatment. This is his second complaint against the district judge who is presiding over his pending criminal case. In his current complaint, the complainant states a belief that the subject judge is "keeping [him] incarcerated because of [his] sexuality." He recounts a meeting with the subject judge outside the courthouse as follows:

I spoke to [the subject judge] in January of 2010. I have spoken to him prior to forementioned dates. Outside the . . . Courthouse he maintained the same demeanor as my classmates & friend relayed. Equally important to this is his assurance, that with the help of Chief Judge . . . , I would pay them to stop any harrasment [sic]. He explained he would recieve [sic] a check in my name, have me sign it & deposit it as his. Same for property too.

Based on this alleged encounter, the complainant asks for an investigation to determine whether the subject judge's "disposition is not the effect of homophobia, hate crimes, & racial discrimination."

Complainant's bizarre allegations are insufficiently supported by credible facts to warrant either a limited inquiry as authorized by 28 U.S.C. § 352(b) or an investigation by a special committee appointed pursuant to 28 U.S.C. § 353. "An allegation may be dismissed as 'inherently incredible' even if it is not literally impossible for the allegation to be true. An allegation is inherently incredible if no reasonable person would believe that the allegation, either on its face or in light of other available evidence, could be true." *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice*, Judicial Conduct and Disability Act Study Committee, Sept. 2006, p. 148. When

allegations in a judicial complaint “are factually incredible or so lacking in indicia of reliability that no further inquiry is warranted,” it should be dismissed as frivolous under Rule 11(c)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Even when read with maximum indulgence, complainant’s allegations are devoid of factual support, and inherently incredible, particularly in light of his litigation history. The complaint therefore will be dismissed as frivolous pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C) 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)(iii) and Rule 11(c)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: February 4, 2015