

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

In re:
Complaint of Judicial Misconduct

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*Nos. 06-14-90131/132
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M E M O R A N D U M

This complaint of judicial misconduct was filed by a prisoner against two district judges. Although the complainant indicates in the appropriate part of the complaint form that his complaint concerns the behavior of the subject judges in proceedings on his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, only one of the named judges had anything to do with those proceedings. Moreover, the sole allegation made in the complaint—that the subject judges “have prejudiced and ruled in favor for political parties whom are members of [a specific prison ministry]”—is unrelated to those underlying proceedings.

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 complaint has not referred to any specific cases involving the named prison ministry. Initial review shows only one such case, which was brought by the complainant and dismissed by a judge who is not named in this complaint. Because the complainant thus fails to allege that the subject judges have engaged in any conduct prejudicial to the effective and expeditious administration of the business of the courts, the complaint is appropriately dismissed under 28 U.S.C. § 352(b)(1)(A)(i) and Rule 11(c)(1)(A) 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)(i) and Rule 11(c)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: February 24, 2015