

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

In re:
Complaint of Judicial Misconduct

*
*
*No. 06-14-90142
*
*
*
*

M E M O R A N D U M

This complaint of judicial misconduct and judicial disability was filed by a pro se litigant against the district judge who presided over the complainant's civil action. The complaint alleges that the district judge made "fraud false statements" and "partisan 'white' statements," was biased against the complainant, and exhibited "severe impairment of his cognitive abilities."

After conducting an initial review, the chief judge may dismiss a misconduct 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"; (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 or that a disability exists." 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 action, filed in January 2005, was reassigned to the subject district judge in December 2006. In July 2007, the district judge granted the defendant's motion for summary judgment. Thereafter, the district judge denied various post-judgment motions filed by the complainant and eventually entered an order prohibiting the complainant from filing additional motions without an attorney's certification that such motions were not frivolous. The court of appeals affirmed the district judge's post-judgment orders in 2010.

This complaint is subject to dismissal under Rule 11(c)(1)(C) & (D). See also 28 U.S.C. § 352(b)(1)(A)(iii). The complaint does not identify the alleged "fraud false statements" and "partisan 'white' statements," nor does it point to any evidence of bias or cognitive impairment. The complaint's conclusory allegations do not support an inference that misconduct occurred or that a disability exists.

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) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: March 12, 2015