

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90056  
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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 prisoner against the district judge who was assigned to his criminal proceeding. The complaint alleges that the district judge improperly denied the complainant's pro se motions, including several motions to dismiss his counsel, and was biased and prejudiced.

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." Rule 11(c)(1)(A)-(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

A review of the district-court record reveals that the district judge denied the complainant's pro se motion to dismiss his appointed counsel but later granted counsel's motion to withdraw. New counsel was appointed, the complainant again moved pro se to dismiss his counsel, and the district judge again allowed counsel to withdraw. The complainant then moved pro se to dismiss his third appointed counsel, and counsel moved to withdraw. The district judge denied these motions and later denied the complainant's pro se and counseled motions to withdraw his guilty plea.

To the extent that this complaint is based on the district judge's denial of the complainant's pro se motions, it is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the district judge's rulings. See also 28 U.S.C. § 352(b)(1)(A)(ii). Any challenge to the merits of a judge's decisions is outside the scope of judicial-misconduct proceedings. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and

has no jurisdiction to review any ruling by a judge. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331, 331-32 (6th Cir. 1988).

To the extent that it alleges bias and prejudice, the complaint is subject to dismissal under Rule 11(c)(1)(C). See also 28 U.S.C. § 352(b)(1)(A)(iii). The complaint is devoid of facts evidencing bias or prejudice on the part of the district judge.

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

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

Date: November 10, 2015