

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90068  
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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 litigant against a district judge who entered an order barring the complainant from entering a particular United States district courthouse without written permission of the chief judge of the district court. The complaint alleges that the order is fraudulent and without legal basis.

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 entered the order in question after determining that the complainant was a vexatious litigator whose frequent visits to the courthouse had become increasingly disruptive. The same day that he was served with the order, the complainant came to the courthouse, refused to leave, and was taken into custody. The district judge issued an order to show cause why the complainant should not be held in criminal contempt. After a hearing, the district judge imposed a sentence of 175 days of imprisonment, suspended all but three days of the sentence, and stayed the sentence pending appeal.

This complaint is subject to dismissal under Rule 11(c)(1)(B) because it attacks the validity of the order barring the complainant from the courthouse. See *a/so* 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). The complainant's remedy is an appeal to the court of appeals.

For these reasons, the complaint 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: November 10, 2015