

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

In re:
Complaint of Judicial Misconduct

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*No. 06-15-90096
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M E M O R A N D U M

This complaint of judicial misconduct was filed pro se by a pretrial detainee against the district judge who is assigned to his criminal proceeding. The complaint alleges that the district judge exhibited bias by curtailing the complainant's in-court statements and informing him "in a high heated an[d] unprofessional manner" that he is not entitled to grand jury transcripts.

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.

An initial review of the district-court record reveals that the complainant, through counsel, asked to address the district judge at a hearing in June 2015. The complainant began to describe his difficulty obtaining documents from his attorney and the prosecution, and the judge repeatedly advised the complainant that he would have to resolve those issues with his attorney. When the complainant identified the grand jury transcripts as materials that he hoped to obtain, the judge told him that he was not entitled to those materials.

This complaint is subject to dismissal because the district judge's conduct, as reflected in the record, "is not prejudicial to the effective and expeditious administration of the courts." Rule 11(c)(1)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The judge merely declined to intervene in an apparent disagreement between the complainant and his counsel and informed the complainant that he cannot

obtain grand jury transcripts. To the extent that the complaint alleges bias, it is subject to dismissal as frivolous under Rule 11(c)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. See 28 U.S.C. § 352(b)(1)(A)(iii). There is nothing in the record to support an allegation of bias.

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

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

Date: January 20, 2016