

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

In re:
Complaint of Judicial Misconduct

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*No. 06-15-90104
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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 civil action. The complaint alleges that the district judge rejected an “international bill of exchange” that the complainant submitted as payment of the civil filing fee, struck the complainant’s demand for the return of his property, and failed to return the international bill of exchange to the complainant.

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 district judge dismissed the complainant’s action for non-payment of the filing fee. The complainant moved for relief from the judgment and submitted a self-drafted “international bill of exchange” as payment of the fee. The district judge denied the motion and rejected the international bill of exchange as an unacceptable form of payment. The complainant then filed a demand for the return of his property, *i.e.*, the international bill of exchange, and the district judge struck the demand as procedurally improper. The complainant filed a second demand for the return of his property, but the district court still did not return the international bill of exchange.

This complaint is subject to dismissal on the grounds that it is directly related to the merits of the district judge’s procedural rulings. See 28 U.S.C. § 352(b)(1)(A)(ii); Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complaint

challenges the district judge's rejection of the international bill of exchange and his striking of the demand for its return to the complainant. Any challenge to the merits of a judge's rulings 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 decision by a judge. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331, 331-32 (6th Cir. 1988).

For these reasons, this complaint will be dismissed under 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: January 20, 2016