

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

**RECEIVED**

JAN 11 2017

**OFFICE OF THE  
CIRCUIT EXECUTIVE**

In re:  
Complaint of Judicial Misconduct

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\*No. 06-15-90127  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by REDACTED (“complainant”) against the Honorable REDACTED United States Circuit Judge for the Sixth Circuit (“subject judge”). The complainant’s only allegation is that the subject judge violated his rights “by refusing to address [his] Petitions for Review in violation of 28 U.S.C. § 331.”

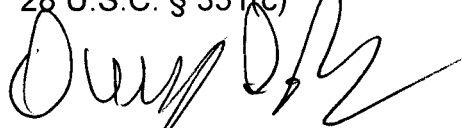
Because this circuit’s Chief Judge is named in this complaint, the matter was referred to the undersigned pursuant to 28 U.S.C. § 351(c), which provides that a judicial complaint against a chief judge be transmitted “to that circuit judge in regular active service next senior in date of commission.” Rule 25(f) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings provides that, where a chief judge is disqualified, his or her duties “must be assigned to the most-senior active circuit judge not disqualified.”

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 circuit records reveals that the complainant has never filed a judicial complaint in this circuit. Because its allegations are entirely unsupported, this complaint is subject to dismissal as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Entered as Chief Judge Pursuant to  
28 U.S.C. § 351(c)



Danny J. Boggs

Date: 12/14/16