

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

In re:
Complaint of Judicial Misconduct

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*No. 06-16-90015
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] (“subject judge”). The complainant previously filed a complaint alleging that the judge named in the current complaint and a magistrate judge had violated his constitutional rights, the Federal Rules of Civil Procedure, and the “Judiciary Rules,” in connection with an underlying civil action that had been assigned to them. He also alleged that both of those subject judges were generally biased against pro se litigants and conflicts of interest, and that both should have recused. That complaint was summarily dismissed as merits-related and unsupported by the evidence. In his current complaint, the complainant essentially reiterates his previous allegations against the subject judge and argues that he should have recused based on the conduct alleged in the previous complaint.

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.

The current complaint is subject to dismissal for the same reasons that supported dismissal of the previous complaint. To the extent any of the current allegations relate to conduct in underlying civil actions that were filed after the previous complaint, those allegations are, again, wholly unsupported by the record or are directly related to the merits of those underlying actions. See 28 U.S.C. § 352(b)(1)(ii) & (iii); Rule 11(c)(1)(B) & (D), 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)(ii) & (iii) and Rule 11(c)(1)(B) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: October 12, 2016