

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

In re:
Complaint of Judicial Misconduct

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*No. 06-16-90034
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judge”), pursuant to 28 U.S.C. § 351. The complaint alleges that the subject judge improperly struck or denied certain motions that the complainant filed in a civil action and refused to consider other matters that the complainant raised. In addition, the complaint alleges that the subject judge has been untruthful and unfair and has colluded with opposing counsel.

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; see 28 U.S.C. § 352(a), (b).

An initial review of the record reveals that the complainant was the plaintiff in an employment-discrimination action to which the subject judge was assigned. The subject judge entered several orders that struck motions and other pleadings, filed by the complainant, on the ground that they did not comply with the local and federal rules of procedure. The subject judge denied several other motions that the complainant had filed and recommended that the defendant’s motion for summary judgment be granted.

This judicial-misconduct complaint challenges the propriety of the subject judge’s rulings on a variety of matters. Accordingly, it is subject to dismissal under Rule 11(c)(1)(B). See also 28 U.S.C. § 352(b)(1)(A)(ii). 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).

The complaint's allegations of dishonesty, unfairness, and collusion are wholly unsupported and thus subject to dismissal under Rule 11(c)(1)(C). *See also* 28 U.S.C. § 352(b)(1)(A)(iii). The complaint alleges, and the record contains, no facts that support these allegations.

Accordingly, 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) & (C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: December 16, 2016