

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

In re:  
Complaint of Judicial Misconduct

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\*Nos. 06-16-90072/73  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judges”), pursuant to 28 U.S.C. § 351. The complainant alleges that the subject judges selected a jury and scheduled a jury trial in his criminal proceeding without his knowledge. The complainant further alleges that the subject judges ignored his “proper status” and violated Section 1-308 of the Uniform Commercial Code.

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 had two criminal cases that were assigned to the subject judges. The complainant pleaded not guilty, and a jury trial was set for September 2015. The subject judges granted three motions to continue the trial and two motions for withdrawal of counsel, eventually allowing the complainant to proceed pro se. The subject district judge adopted the subject magistrate judge’s recommendation and denied the complainant’s pro se motions to dismiss the proceedings, in which the complainant had argued that he is a sovereign citizen not subject to the district court’s jurisdiction. The trial was reset for September 2016, but on the day of trial the complainant entered a plea agreement with the government and changed his plea to guilty.

To the extent that this complaint challenges the subject judges’ recommendations and rulings on his motions and other pleadings concerning his

“status,” 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).

Otherwise, the complaint is subject to dismissal under Rule 11(c)(1)(C) as wholly unsupported and under Rule 11(c)(1)(D) as lacking sufficient evidence to support an inference of misconduct. See also 28 U.S.C. § 352(b)(1)(A)(iii). The record reflects that the district court clerk mailed notice of the September 2016 trial date to the complainant and that the complainant changed his plea before a jury was selected. Section 1-308 of the Uniform Commercial Code relates to performance of a contract under a reservation of rights and has no application in criminal proceedings.

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) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: March 14, 2017