

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

In re:  
Complaints of Judicial Misconduct

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\*Nos. 06-16-90092/93  
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**MEMORANDUM AND ORDER**

These complaints of judicial misconduct were filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judges”), pursuant to 28 U.S.C. § 351. The complainant acknowledges that he “has no evidence of wrongdoing by” the subject judges. He complains generally about the pace at which his civil action has proceeded and the subject judges’ failure to appoint counsel to represent him.

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 in April 2016 the complainant filed a civil action that was assigned to the subject judges. The complainant also moved for appointment of counsel. The subject magistrate judge denied that motion, as well as two subsequent motions seeking the same relief.

These judicial-misconduct complaints are subject to dismissal under Rule 11(c)(1)(D) as lacking sufficient evidence to raise an inference that misconduct has occurred. See *also* 28 U.S.C. § 352(b)(1)(A)(iii). The complainant admits that he has no evidence of misconduct by the subject judges. To the extent that the complaints relate to the merits of the orders denying his motions for appointment of counsel, they are subject to dismissal under Rule 11(c)(1)(B). See *also* 28 U.S.C. § 352(b)(1)(A)(ii).

For these reasons, it is **ORDERED** that the complaints 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: April 6, 2017