

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-17-90012  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by **REDACTED** (“complainant”) against the **REDACTED** (“subject judge”), pursuant to 28 U.S.C. § 351. The complaint alleges habitual delay in rendering decisions.

After conducting an initial review, the chief judge may conclude a judicial-misconduct proceeding if he “determines that the subject judge has taken appropriate voluntary corrective action.” Rule 11(d)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings; see 28 U.S.C. § 352(b)(2).

An initial review of the record reveals that the subject judge was assigned to two civil-rights actions that the complainant filed in district court. The subject judge dismissed both actions for failure to state a claim upon which relief could be granted.

In September 2014, the court of appeals affirmed in part and vacated in part the dismissal of the first action and remanded the case for further proceedings. The subject judge reopened the case and ordered that process be issued and served. The summons was returned unexecuted, and the subject judge directed the complainant to provide additional information that would allow for service of process. The complainant provided additional information in November 2014. In March 2017, after the filing of this judicial-misconduct complaint, the subject judge ordered that process be reissued and served. The case was then transferred to another district judge.

In January 2016, the court of appeals affirmed in part and vacated in part the dismissal of the second action and remanded that case as well for further proceedings. The subject judge reopened the case and ordered that process be issued and served, but the summonses were returned unexecuted in April 2016. In March 2017, after the filing of this complaint, the subject judge directed the complainant to provide additional information to facilitate service of process. The case was then transferred to another district judge.

The record reflects that the subject judge has taken appropriate voluntary action to remedy the pattern of delay alleged by the complainant. The subject judge issued orders that appropriately advance the litigation of the two civil-rights actions identified in this complaint. Moreover, those actions are among a group of approximately 50 cases that the subject judge administratively transferred to another district judge.

For these reasons, it is **ORDERED** that the complaint proceeding be concluded pursuant to 28 U.S.C. § 352(b)(2) and Rule 11(d)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: August 4, 2017