

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

In re:
Complaint of Judicial Misconduct

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*Nos. 06-17-90114/115
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED], and the Honorable [REDACTED] (“subject judges”), pursuant to 28 U.S.C. § 351. The complainant alleges that the subject judges ignored her evidence and violated the law in dismissing her civil action. According to the complainant, the subject judges “had no intention[] of being fair.”

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 filed a civil action that was assigned to the subject judges. The subject magistrate judge recommended granting the defendant’s motion for summary judgment, and the subject district judge granted the motion and dismissed the action.

The complainant maintains that her complaint is based on “misconduct” rather than on the subject judges’ rulings in her civil action. But she has not identified any conduct of the subject judges other than their rulings, which the complainant maintains are contrary to the facts and the law. The complaint is thus subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of the judges’ decisions. 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).

To the extent that it contains allegations of bias or prejudice that are unrelated to the merits of the subject judges' rulings, the complaint is subject to dismissal under Rule 11(c)(1)(C) as entirely unsupported by the record. See also 28 U.S.C. § 352(b)(1)(A)(iii).

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: March 29, 2018