

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-17-90120  
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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 complainant alleges that the “district court (Judge [and] Clerk(s)) continue to impede Complainants [sic] filings,” and that the subject judge “fails to comply with Complainants [sic] requests for stamped copies of recent filings.”

After conducting an initial review, the chief judge may dismiss a 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 and does not indicate a mental or physical disability resulting in inability to discharge the duties of judicial office”; (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.

This is the fifteenth complaint the complainant has filed in less than two years, the second against the subject judge. The only new allegation he makes is that the subject judge has failed to send him stamped copies of pleadings. Because this allegation, even if true, does not identify conduct prejudicial to the effective and expeditious administration of the business of the courts, that part of the complaint is subject to summary dismissal pursuant to 28 U.S.C. § 352(b)(1)(A)(i) and Rule 11(c)(1)(A) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The complainant’s allegations that the subject judge has impeded his ability to file are addressed in an order restricting his ability to file frivolous pleadings in the district court, a matter that has been litigated extensively in both the district and appellate courts. Such matters are not the proper subject of a complaint of judicial misconduct. Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. This part of the complaint is therefore subject to dismissal as directly related to the merits of judicial decisions made in the underlying proceedings,

pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant's allegations against the clerk of the court or any other court personnel need not be addressed herein, as conduct by judicial employees other than judges is not reachable by the Rules for Judicial-Conduct and Judicial-Disability Proceedings. See *id.*, Rule 4.

Accordingly, it is **ORDERED** that the complaint be dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i) & (ii) and Rule 11(c)(1)(A) & (B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: June 8, 2018