

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

In re:
Complaint of Judicial Misconduct

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*No. 06-18-90006
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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 subject judge improperly denied her the right to post bond in a criminal proceeding, denied her motions for new counsel, ordered the involuntary administration of antipsychotic medication, and denied her motion for recusal in a related civil action.

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 subject judge was assigned to the complainant’s criminal proceeding. The subject judge ordered that the complainant be committed to the custody of the Attorney General for evaluation of her competency. Thereafter, the subject judge determined that the complainant was not competent and ordered that she remain in federal custody for the purpose of treatment. After additional hearings on the issue of the complainant’s competency, the subject judge granted the government’s motion for an order authorizing the involuntary administration of antipsychotic medication. The subject judge then determined that the complainant was competent and granted the government’s motion to dismiss the charges against her.

Several years later, the complainant filed a civil action against the government, alleging claims arising from her commitment to federal custody and involuntary

medication. The case was assigned to the subject judge, who denied the complainant's motion for recusal.

This misconduct complaint challenges the merits of the subject judge's orders in the criminal proceeding and the related civil action. The complaint is therefore 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).

Accordingly, it is **ORDERED** that the complaint be dismissed 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.

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

Date: July 11, 2018