

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

In re:  
Complaints of Judicial Misconduct

\*  
\*  
\*Nos. 06-18-90019/20  
\*  
\*  
\*  
\*

**MEMORANDUM AND ORDER**

These complaints of judicial misconduct were filed by **[REDACTED]** (“complainant”) against the Honorable **[REDACTED]** (“subject judge 1”), and the Honorable **[REDACTED]** (“subject judge 2”), **[REDACTED]**, pursuant to 28 U.S.C. § 351. The complainant alleges that the subject judges, who presided over two separate actions, “engag[ed] in conduct prejudicial to the effective and expeditious administration of the business of the courts for screening free indigent and disabled U.S. citizen complaints . . . by using the applicable federal prisoner statute, 28 U.S.C. 1915.” (Capitalization, underline, and internal quotation marks omitted).

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.

The docket report generated in the civil action that was assigned to subject judge 1 shows that the complainant removed a civil action filed against her in state court to the federal court. The subject judge then granted the plaintiff’s motion to remand, after which the complainant filed a notice of appeal to this court. After this court dismissed the appeal sua sponte for lack of jurisdiction, subject judge 1 denied as moot a motion to proceed in forma pauperis that the complainant had earlier filed. Because complainant was the defendant below, she did not need permission to proceed in forma pauperis, and the subject judge did not invoke 28 U.S.C. § 1915. The docket report in the action before subject judge 2, in which the complainant sued the plaintiffs from the state court action that she had attempted to remove, shows that, although the judge dismissed the action before process, he did not invoke the Prison Litigation Reform Act or assess a filing fee.

Because the record belies the complainant’s allegations against both subject judges, these complaints of judicial misconduct must be dismissed as lacking any factual foundation pursuant to 28 U.S.C. § 352(b)(1)(B) and Rule 11(c)(1)(G) of the Rules for

Judicial-Conduct and Judicial-Disability Proceedings. To the extent the complainant is attempting to challenge the actions of the state judges involved in the proceedings that she attempted to remove to federal court, those allegations are not cognizable in these proceedings, which cover only the actions, conduct, or capacity of federal judges. See Rule 4, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

For these reasons, it is **ORDERED** that the complaints be dismissed pursuant to 28 U.S.C. § 352(b)(1)(B) and Rule 11(c)(1)(G) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: September 10, 2018