

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

In re:  
Complaint of Judicial Misconduct

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\*No. 06-18-90125  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was jointly filed by **[REDACTED]** (“complainants”) against the **[REDACTED]** (“subject judge”), pursuant to 28 U.S.C. § 351. The complainants are federal inmates who are challenging alleged misconduct by the subject judge in a criminal case to which they were not party. The criminal case involved a scheme by officers and employees of a large manufacturer of military footwear to defraud the Department of Defense. The complainants argue that because the district court “did not have the right to ‘Extend’ Article III federal Judicial powers towards the case in question,” the subject judge was “clearly in violation of the known and obvious laws.”

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.

A judicial complaint may not be used to collaterally attack the substance of a judge’s ruling. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings, commentary. Allegations related to the merits of decisions and rulings made by a subject judge in judicial proceedings are thus not cognizable in a judicial complaint. Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings. The Judicial Council is not a court and has no jurisdiction to review the named judge’s rulings or to grant relief requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This complaint is therefore subject to dismissal as directly related to the merits of the named judge’s decisions 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.

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 25, 2019