

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

In re:  
Complaints of Judicial Misconduct

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\*Nos. 06-19-90003/4/5/6  
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**MEMORANDUM AND ORDER**

[REDACTED] (“complainant”) has filed complaints of judicial misconduct against the Honorable [REDACTED] (“subject judges”). The subject magistrate judge, pursuant to the consent of the parties, presided over the complainant’s underlying action for disability benefits. The subject circuit judges comprised the panel that heard complainant’s appeal and affirmed the denial of benefits. The complainant alleges that the subject magistrate judge ignored facts, made unsupported assertions, and generally abused her power, while the subject circuit judges “committed grievous judicial misconduct by affirming their colleague . . . despite voluminous examples of extreme judicial prejudice.”

After conducting an initial review, the chief judge may dismiss a misconduct complaint as to which he or she 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.

These complaints are transparent attempts to reargue the merits of complainant’s underlying civil action and challenge the rulings made by the subject judges. Such matters are not the proper subject of a complaint of judicial misconduct. 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 the named judges’ rulings or to grant relief requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). These complaints are therefore subject to dismissal as directly related to the merits of the named judges’ 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 complaints 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: September 24, 2019