

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

In re:
Complaint of Judicial Misconduct

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*No. 06-19-90011
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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. This is the complainant’s eighth complaint in the last six years. His current complaint includes a one- page attachment in which he alleges that the subject judge retaliated against him; made inappropriate statements; “treating litigant’s egregious and hostile manner”; “person favors”; having improper conversations with parties’ counsel; and “standing orders.” Attached to this one-page statement is the first page of the report and recommendation issued by the subject judge in the underlying civil action.

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 complainant presents no specific facts in support of his allegations. He does not even identify the actual conduct of the subject judge that supports his allegations, much less offer record citations, evidence, or records in support of his allegations. Because his complaint is thus based on allegations that lack sufficient evidence to raise an inference that misconduct occurred, it is subject to dismissal under 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(E) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

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

Date: September 24, 2019