

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

In re:  
Complaint of Judicial Misconduct

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\*Nos. 06-19-90016/17  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] and the Honorable [REDACTED] (“subject judges”), pursuant to 28 U.S.C. § 351. The complaint alleges that the subject magistrate judge ignored fraud and perjury by the defendants when she recommended that the district court grant their motion for summary judgment in the complainant’s civil action. The complaint further alleges that the magistrate judge misapplied the law and rendered a biased decision. In addition, the complaint alleges that the subject district judge “rubber stamps” the subject magistrate judge’s recommendations, resulting in “retaliatory erroneous rulings.”

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 complainant filed a civil action that was assigned to the subject judges. On initial screening, the subject magistrate judge recommended that certain claims be dismissed and that others be permitted to proceed. The subject district judge adopted that recommendation. After discovery, the defendants moved for summary judgment. The magistrate judge recommended that the motion be granted, and the district judge adopted that recommendation as well.

This judicial-misconduct complaint is based largely on perceived factual and legal errors in the subject judges’ decisions. To that extent, it is subject to dismissal under Rule 11(c)(1)(B) as directly related to the merits of those decisions. 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).

To the extent that the complaint is based on alleged bias and retaliation, it is subject to dismissal under Rule 11(c)(1)(C) because the allegations are entirely unsupported by the record. See *also* 28 U.S.C. § 352(b)(1)(A)(iii).

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

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

Date: January 16, 2020