

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

In re:
Complaint of Judicial Misconduct

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*No. 06-19-90054
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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. The complaint alleges that the subject judge is violating Canon 3(C)(1)(a) of the Code of Conduct for United States Judges by adjudicating a case in which she has personal knowledge of disputed facts.

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 subject judge was assigned two civil actions in which the complainant asserted claims arising out of the same set of factual circumstances. The subject judge dismissed the first action for failure to state a claim. The second action was pending at the time the complainant filed this misconduct complaint, but the subject judge has now dismissed it as well.

Nothing in the misconduct complaint or in the record of the complainant’s civil actions suggests that the subject judge has personal knowledge of any facts at issue in those actions. The subject judge’s adjudication of the first action did not give her personal knowledge of disputed facts in the second action. Thus, the subject judge’s failure to disqualify herself from the second action did not violate Canon 3(C)(1)(a).

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

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

Date: April 9, 2020