

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

In re:  
Complaint of Judicial Misconduct

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\*Nos. 06-19-90056/57  
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**MEMORANDUM AND ORDER**

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] (“subject judges”), pursuant to 28 U.S.C. § 351. The complaint alleges that the subject judges mishandled the complainant’s civil action in various ways, including by treating her amended complaint as the operative pleading, not requiring the defendants to respond to her original complaint, denying her motion for counsel, ignoring other motions, and dismissing the action. The complaint alleges further that the subject judges conspired with the defendants’ counsel and discriminated against the complainant on the basis of disability.

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 district judge and referred to the subject magistrate judge for pretrial proceedings. The subject district judge granted the complainant leave to proceed in forma pauperis, screened the complaint, and dismissed it in part. The complainant then filed an amended complaint and a motion for counsel. Some defendants moved to dismiss the amended complaint. The subject magistrate judge denied the motion for counsel and recommended that the court grant the motion to dismiss. The subject district judge adopted that recommendation, dismissed the action,

and entered judgment. The complainant then filed a motion for a default judgment, which the clerk of court denied.

To the extent that this misconduct complaint challenges the subject judges' procedural and substantive rulings—including the referral of pretrial matters to the subject magistrate judge, the determination that the amended complaint superseded the original complaint, the rulings on various motions, and the ultimate dismissal of the action—it is subject to dismissal under Rule 11(c)(1)(B). 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).

The allegations of conspiracy, disability discrimination, and other improper motive are subject to dismissal under Rule 11(c)(1)(C) & (D). See *also* 28 U.S.C. § 352(b)(1)(A)(iii). These allegations are entirely unsupported by the record.

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) & (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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

Date: August 19, 2020