

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

In re:
Complaint of Judicial Misconduct

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*No. 06-19-90077
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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 subject judge presided over and granted summary judgment for the defendants in a civil suit brought by the complainant. The complainant now argues that the subject judge committed misconduct and violated several canons of the Code of Conduct by not sua sponte recusing herself from the proceedings below. He alleges that recusal was required because the judge’s son worked for one of the defendants and produced a fabricated surveillance tape in which the complainant’s image was replaced by a “doppelganger,” an allegation upon which he elaborates in great detail in multiple supplements to his complaint. He also alleges that the subject judge was “best friends” with one of the parties and an attorney for one of the parties. The subject judge has responded to the complaint, denying any relationship, family or otherwise, to the producer of allegedly fabricated tapes, denying any relationship with or personal knowledge any of the parties, and admitting to knowing the named attorney in a professional capacity only.

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.

A simple allegation that a judge should have recused is merits related and thus not cognizable in a judicial misconduct complaint. See *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice: Judicial Conduct and Disability Act Study Committee*, Sept. 2006, p. 146. Moreover, the alleged factual basis for recusal is totally unsupported and is in fact denied by the subject judge. It is apparent that the complainant is trying to revisit the claim he made below about the alleged fabrication of surveillance tapes. Even were there any merit to that claim (this court rejected it on appeal as “clearly preposterous”), it is directly related to the merits 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, and thus is not cognizable in these proceedings.

Accordingly, it is **ORDERED** that the complaint 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: October 30, 2020