

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

In re:
Complaint of Judicial Misconduct

*
*
*No. 06-20-90013
*
*
*
*

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 four separate lawsuits that complainant filed in an attempt to challenge the actions of various state agencies and officials who were connected to a child welfare investigation involving the complainant and her children. The first case was assigned to the subject judge, who ultimately dismissed it, after which the complainant filed three additional lawsuits involving the same facts and subject matter. Although those three lawsuits were initially assigned to three different judges, they were ultimately transferred to the subject judge pursuant to a local rule that requires cases arising from the same injury be assigned to the same judge, and they were all dismissed. The complaint challenges the orders transferring the case to the subject judge: she “assume[s] that the cases were reassigned to control the narrative – protect the state judges and agents who are violating the citizens [sic].”

After conducting an initial review, the chief judge may dismiss a complaint of judicial misconduct 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).

The complainant’s challenge to the transfer orders is a challenge to the merits of rulings made in the underlying proceedings. Such matters are not the proper subject of a complaint of judicial misconduct. See Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings. Although an allegation that a specific ruling was the result of an improper motive is cognizable despite its relation to the merits,

complainant's "assumptions" that the orders were executed in order to "control the narrative," are wholly speculative and unsupported by any evidence. A complainant may not survive Rule 11(c)(1)(B) dismissal by simply alleging an unsupported, improper motive that *might* be a reason for the subject judge's adverse rulings. Even if the complainant were not merely using this speculative allegation of motive to bootstrap her merits challenges, her allegation would be independently dismissed as frivolous, as it is wholly unsupported by any evidence. See 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(C), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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: November 13, 2020