

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

In re:  
Complaint of Judicial Misconduct

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\* No. 06-20-90057  
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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 complainant is an attorney and generally asserts the subject judge used her office to obtain special treatment for friends or relatives; engaged in improper *ex parte* communications with parties and retaliated against complainants and witnesses for participating in complainant's underlying case; and "violat[ed] other specific, mandatory standards of judicial conduct." Specifically, the complainant challenges several rulings and orders made by the subject judge in the underlying case, including an order to show cause, and an order finding complainant in contempt of court and requiring complainant to attend professionalism training. Complainant contends such orders created the appearance of improper bias and caused complainant to incur "hundreds of thousands of dollars of damages in connection with this manner, due to the possibly irreparable damage to his reputation."

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).

As to the complaint that the subject judge's orders and legal decisions were improperly motivated by prejudice or bias in the complainant's underlying case, the complainant appears to challenge adverse rulings made by the subject judge below. The judicial complaint process may not be used to challenge the merits of judicial rulings made in underlying proceedings; such decisions 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. The Judicial Council is not a court and has no jurisdiction to review the subject judges' rulings or to grant relief requested in the underlying case. See *In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This complaint is therefore subject to dismissal as directly related to the merits of the subject judges' decisions in the underlying proceedings, 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.

Moreover, a review of the record shows complainant's allegations of improper *ex parte* conversations, abuse of office to obtain special treatment for friends and relatives, and retaliation are wholly unsupported. The complainant points to no evidence that the subject judge ruled in an improper manner or engaged in any retaliatory manner against the complainant, parties, or witnesses. The record contains no evidence whatsoever to support complainant's allegations. The complaint is thus subject to dismissal as frivolous under Rule 11(c)(1)(C). 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/ *Jeffrey S. Sutton*  
Chief Judge

Date: July 6, 2022