

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

In re:  
Complaint of Judicial Misconduct

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\* No. 06-20-90061  
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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 alleges the subject judge’s court reporter failed to keep an accurate record of proceedings in complainant’s underlying criminal matter, and that the subject judge denied complainant access to the court.

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).

To the extent that the complaint alleges misconduct against the subject judge’s court reporter, it is not recognized as a Complaint of Judicial Misconduct. The Rules for Judicial-Conduct and Judicial-Disability Proceedings apply to judges of the United States courts of appeals, judges of United States district courts, judges of United States bankruptcy courts, and United States magistrate judges, but not to court employees. See Rules 1, 8(c)-(d), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

In this complaint, the complainant alleges the subject judge denied complainant access to the court in his underlying criminal matter. A review of the record shows the subject judge found and concluded the complainant was, “to put it mildly, a prolific filer.” Consequently, the subject judge issued an Order and Limited Injunction enjoining complainant from submitting further filings related to his criminal conviction. In filing this complaint, the complainant is attempting to challenge rulings made by the subject judge

below and circumvent the subject judge's Order and Limited Injunction. 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 judge's 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 judge's 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.

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: March 15, 2021