

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

In re:
Complaint of Judicial Misconduct

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* No. 06-20-90062
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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’s allegations arise from the subject judge’s rulings in a civil matter in which complainant was a party. Complainant also alleges the subject judge discriminated against him due to his national origin.

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).

In this complaint, the complainant alleges the subject judge was biased and deprived complainant of due process when he ruled against the complainant in the underlying civil matter. A review of the record shows these allegations are not supported by any evidence other than adverse rulings against complainant. 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). Complainant may not avoid dismissal by simply alleging an improper motive without any supporting evidence. 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.

The complainant also alleges the subject judge was “disrespectful to [complainant] in handling of the cases,” tantamount to discrimination based on complainant’s national origin. Aside from the fact that the subject judge ruled against him in the underlying civil matter, the complainant points to no evidence that the subject judge disfavored him or favored the defendants in any way. And the record contains no evidence whatsoever that the subject judge discriminated against complainant on the basis of his national origin. 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/ R. Guy Cole, Jr.
Chief Judge

Date: March 15, 2021