

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

In re:
Complaint of Judicial Misconduct

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* No. 06-20-90079
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the Honorable [REDACTED] [REDACTED] (“subject judge”), pursuant to 28 U.S.C. § 351. The complainant generally asserts the subject judge should have recused himself from a case due to personal or professional affiliations that may have had an influence on the subject judge.

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).

A review of the record shows complainant’s allegations lack sufficient evidence to raise an inference that misconduct exists and, therefore, are subject to dismissal under Rule 11(c)(1)(D). Mere speculation about the possibility of an improper motive is not sufficient to support a complaint of judicial misconduct. Moreover, 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. Rule 4(b)(1) specifically excludes from the definition of cognizable misconduct “an allegation that calls into question the correctness of a judge’s decision, including a failure to recuse.” 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)(D) 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)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ Jeffrey S. Sutton
Chief Judge

Date: December 7, 2022