

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

In re:
Complaint of Judicial Misconduct

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* Nos. 06-20-90082/83/84
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [REDACTED] (“complainant”) against the [REDACTED]

[REDACTED] (“subject judges”), pursuant to 28 U.S.C. § 351. The complainant generally asserts the subject judges improperly decided the complainant’s underlying civil cases. Specifically, the complainant alleges each of the subject judges’ rulings were based on improper bias because they are “semite or pro-semite.”

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 are wholly unsupported. The complainant points to no evidence that the subject judges acted with bias or had any other improper motivation in making their determinations in the complainant’s underlying cases. 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). 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. 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.

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: December 7, 2022