

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

In re:
Complaint of Judicial Misconduct

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* Nos. 06-21-90067
* & 06-21-90090
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MEMORANDUM AND ORDER

These complaints of judicial misconduct were filed by [REDACTED] [REDACTED] (“complainant”) against the Honorable [REDACTED] [REDACTED] (“subject judge 1”), and the Honorable [REDACTED] [REDACTED] (“subject judge 2”), pursuant to 28 U.S.C. § 351.

The complainant made several allegations against subject judge 1 stemming from complainant’s underlying criminal matter. The allegations include assertions that subject judge 1 “violated his oath of office by usurping the constitution,” violated complainant’s constitutional civil rights by treating him as “chattel,” and conspired and colluded with “undeclared foreign agents.”

The complainant asserts subject judge 2 exhibited “prejudice, bias, racist conduct” towards complainant in his underlying criminal matter. He also asserts that subject judge 2’s recusal was required from federal cases concerning the complainant because subject judge 2 was named as a defendant in a state-court lawsuit the complainant filed.

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 case, the complainant attempts to challenge the rulings of the subject judges 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 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). These complaints are 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 are wholly unsupported. The complainant points to no evidence that the subject judges violated his constitutional rights, acted in an improper or biased manner, or engaged in any conspiracy against the complainant. To the contrary, the record demonstrates that subject judge 2 recused himself sua sponte from complainant's criminal case to avoid any appearance of bias. And the reality that the complainant had filed a lawsuit against subject judge 2 was not, by itself, sufficient to mandate his recusal. 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: October 18, 2022