JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re: Complaint of Judicial Misconduct	* * * * * * *	No. 06-24-90120 06-25-90017

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed under 28 U.S.C. § 351 by [redacted] ("complainant") against [redacted] (together, the "subject judges"), [redacted].

(A case against [redacted] was not opened initially, as her name was not on the complaint's cover sheet and the handwritten complaint is difficult to read.)

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." Rules 11(c)(1)(A)–(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Judicial-Conduct Rules"); *see* 28 U.S.C. § 352(a), (b).

The complainant is a state inmate who has filed several civil rights complaints over the past two decades, some of which were assigned to the subject judges. The complaint, which is difficult to parse, appears to allege that the subject judges "failed to conduct" a hearing in some of the complainant's cases. It also appears to allege that the subject judges "fail[ed] to process" several of his complaints under "the imminent danger" exception to the Prison Litigation Reform Act of 1996.

This complaint warrants dismissal. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings; such decisions are not the proper subject of a complaint of judicial misconduct. *See* Judicial-Conduct Rule 4(b)(1). The Judicial Council is not a court and has no jurisdiction to review

the subject judge's rulings or to grant relief in the underlying cases initiated by the complainant. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). The complaint is subject to dismissal as directly related to the merits of the subject judges' decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii) and Judicial-Conduct Rule 11(c)(1)(B).

/s/ Jeffrey S. Sutton
Chief Judge

Date: February 26, 2025