JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90002
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MEMORANDUM AND ORDER

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

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 ("Judicial-Conduct Rules"); *see* 28 U.S.C. § 352(a), (b).

The complainant is an attorney who has practiced before the subject judge. He currently represents another attorney in disciplinary proceedings initiated by the subject judge. On behalf of his client in those proceedings, the complainant moved for the subject judge's recusal. The subject judge declined to recuse.

The subject judge's recusal order noted the complainant's "history of filing similarly unfounded recusal motions," citing seven instances where the complainant had unsuccessfully moved for the recusal of the subject judge or other judges. R.24 in 24-dm-007 (E.D. Tenn.). This pattern, in the subject judge's view, "reveal[ed] a lack of common decorum, normal professionalism, and respect toward the Court" and did "not appear to meet the standard required of an attorney" admitted to practice in the district's state. *Id.* The order notified the complainant that failure to "conform to the professionalism requirements of this Court in this or any other proceeding" placed him "at the risk of disciplinary action." *Id.* And it urged the complainant's client "to give serious consideration to the choices he and his counsel make." *Id.*

Citing the subject judge's recusal order, this misconduct complaint alleges that the subject judge "threatened" the complainant "to stand down from [his] zealous advocacy" for his client. The complainant views the warning in the recusal order as "a clear attempt to threaten [him] and dissuade him from defending" his client.

This complaint warrants dismissal. "Cognizable misconduct includes . . . treating litigants . . . in a demonstrably egregious and hostile manner." Judicial-Conduct Rule 4(a)(2)(B). The warning in the subject judge's order—delivered in a serious yet even tone and supported by factual and legal citations—comes nowhere near this standard. This allegation lacks evidence to infer that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ Jeffrey S. Sutton
Chief Judge

Date: February 20, 2025