JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90003
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge"), under 28 U.S.C. § 351. The complaint alleges that the subject judge made improper rulings and demonstrated bias in the underlying case. A supplemental complaint challenges actions taken by the Sixth Circuit's clerk's office.

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 subject judge presided over the complainant's underlying civil case. He denied the complainant's motion to proceed in forma pauperis, labeled the complainant a vexatious litigator based on his history of frivolous lawsuits, and dismissed the case.

This misconduct complaint challenges those actions. It contends that the subject judge's rulings were "without merit" and overlooked "substantial supporting evidence" about the complainant's financial status. And it claims that the subject judge's rulings "demonstrated bias" and "raise broader concerns about judicial impartiality."

The complainant has also filed a supplemental complaint against two employees of the Sixth Circuit's clerk's office. The supplemental complaint contends that the clerk's office violated Rule 22 of the Federal Rules of Appellate Procedure when it refused to

process the complainant's petition for a writ of habeas corpus. And it again challenges the subject judge's vexatious-litigator designation.

This complaint warrants dismissal. The bulk of the allegations challenge the merits of the subject judge's decisions in the underlying case. 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 requested in the underlying case. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). These allegations warrant dismissal because they are merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation of bias also warrants dismissal. Apart from disagreement with the subject judge's rulings, the complaint points to no evidence substantiating the claim that the subject judge "demonstrated bias." This allegation thus warrants dismissal as lacking sufficient evidence to raise an inference that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, the supplemental complaint against employees of the Sixth Circuit's clerk's office will also be dismissed. The Judicial Conduct and Disability Act authorizes complaints against judges. *See* 28 U.S.C. § 351(a). "The conduct of the clerk is not subject to review through a judicial misconduct complaint." *See In re Complaint*, No. 05-6-351-65 (6th Cir. C.J. Apr. 24, 2006). These allegations are thus dismissed as outside the scope of the Act. *See* 28 U.S.C. § 352(b)(1)(A)(i).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: April 11, 2025