JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90005
	*	06-25-90006
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judges"), under 28 U.S.C. § 351. The complaint alleges that the subject judges have failed to issue a timely decision on a dispositive motion in the underlying case.

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 judges preside over a civil suit filed by the complainant. Four months prior to the filing of this misconduct complaint, the defendant in the underlying case moved to dismiss the case. The complainant cites this delay as the basis for his misconduct complaint.

A claim of delay is cognizable in judicial misconduct proceedings only if accompanied by an allegation that a particular decision was deliberately delayed with an improper motive, or that the subject judge has habitually delayed decisions in a significant number of unrelated cases. See Judicial-Conduct Rule 4(b)(2). Conversely, a complaint of delay in a single case may be said to challenge the correctness of the subject judge's official action and is thus merits-related. *See* Commentary to Judicial-Conduct Rule 4.

This complaint warrants dismissal. The complainant has identified no evidence to suggest that the subject judges have an improper motive, nor has he suggested that they have habitually delayed decisions in a significant number of unrelated cases. This complaint is therefore dismissed as merits-related under Judicial-Conduct Rule 11(c)(1)(B). *See also* U.S.C. § 352(b)(1)(A)(ii).

Accordingly, it is **ORDERED** that the complaint be dismissed under 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.

/s/ Jeffrey S. Sutton
Chief Judge

Date: March 28, 2025