JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90016
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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 has conspired to violate the complainant's constitutional rights and challenges the subject judge's rulings in her underlying cases. She requests that the subject judge be removed from those cases and subjected to a psychiatric evaluation.

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 or that a disability exists." 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 presides over a series of related cases initiated by the complainant, a pro se litigant. In an omnibus order, the subject judge deemed the complainant a vexatious litigator and imposed filing restrictions on her.

This is the second misconduct complaint the complainant has filed against the subject judge. Her 2024 complaint challenging one of the subject judge's rulings and accusing him of bias and retaliation was dismissed under Judicial-Conduct Rule 11. The present complaint, which is difficult to follow, expands on claims that the subject judge has conspired with others to retaliate against her. She also challenges the subject judge's rulings, seeks his removal from her underlying cases, and requests that he be subjected to a psychiatric evaluation.

To the extent that the retaliation and conspiracy allegations are duplicative of claims raised in the 2024 misconduct complaint, they warrant dismissal. "A complaint must not be dismissed solely because it repeats allegations of a previously dismissed complaint if it also contains material information not previously considered and does not constitute harassment of the subject judge." Judicial-Conduct Rule 11(c)(2). On the other hand, allegations that are identical to those made in a prior, rejected complaint may be dismissed. *See In re Complaint*, No. 06-23-90052 (6th Cir. C.J. Oct. 2, 2024). Those portions of the complaint that repeat allegations rejected in the 2024 complaint are therefore dismissed as frivolous. *See* Judicial-Conduct Rule 11(c)(1)(C).

The new conspiracy allegations must also be dismissed. The complaint alleges that the subject judge "conspires and colludes to flagrantly disregard constitutional rights" and is "involved in preventing proper comprehensive investigations into federal fraud schemes." It provides no factual support for these allegations. They are therefore subject to dismissal as lacking sufficient evidence to suggest that misconduct has occurred. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent that the complaint raises new challenges to the subject judge's rulings in the underlying cases, including his failure to recuse, it again warrant dismissal. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings, "including a failure to recuse"; such decisions are not the proper subject of a misconduct complaint. 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). This portion of the complaint is therefore subject to dismissal as directly related to the merits of subject judge's decision. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Finally, the claim that the subject judge should be referred for a psychiatric evaluation is also dismissed. The complaint contains no evidence that casts doubt on the subject judge's mental fitness, so this claim is dismissed as frivolous. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(C).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: April 11, 2025