JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90019
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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 complainant alleges that the subject judge has failed to ensure that his petition for a writ of habeas corpus was filed and heard.

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 pro se litigant who filed multiple cases in district and state court. In a 2023 case, the defendants moved to declare the complainant a vexatious litigator based on his frivolous filings in that matter as well as a corollary designation by a state supreme court. The presiding judge, who is not a subject of this complaint, entered an order dismissing the suit and enjoining the complainant from proceeding in forma pauperis status in any future proceeding.

The subject of this misconduct complaint is the chief judge of that district court. Following the 2023 filing restriction, the complainant claims that the subject judge has "refused to ensure" that his petition for a writ of habeas corpus is filed and heard. And he claims that the subject judge "has allowed the improper application of the vexatious litigant designation to persist."

This complaint warrants dismissal. As an initial matter, the record contradicts the complainant's claimed inability to file his desired habeas petition. Immediately after filing this complaint, he filed a habeas petition that was docketed. Moreover, the complainant offers no evidence to suggest that the subject judge had any knowledge of the filing restrictions. Even assuming such knowledge, a chief district judge does not have the authority to overrule the decisions of fellow district judges. This claim is therefore subject to 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).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: April 11, 2025