# JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

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| In re: | * | |
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| Complaint of Judicial Misconduct | * | 06-25-90021 |
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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 engaged in improper ex parte communication with a prosecutor when she was a state court judge.

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 criminal case while she was a state court judge, prior to her appointment to the federal bench. In this misconduct complaint, the complainant alleges that the subject judge had ex parte conversations with the state court prosecutor assigned to his case.

This complaint warrants dismissal because its allegations are not cognizable in this proceeding. Misconduct proceedings under the Judicial Conduct and Disability Act cover only the actions or conduct of federal judges. *In re Complaint of Judicial Misconduct*, No. 06-15-90029 (6th C.J. June 29, 2015). The Act permits the filing of a misconduct complaint against "a judge," a term defined to mean only circuit, district, bankruptcy, and magistrate judges. *See* 28 U.S.C. § 351(a), (d)(1). These allegations, which concern actions taken when the subject judge was a state court judge, are therefore dismissed as "not in conformity with section 351(a)." *Id.* § 352(b)(1)(A)(i).

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 351(b)(1)(A)(i).

*/s/ Jeffrey S. Sutton*
Chief Judge

Date: April 11, 2025