JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90022
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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 engaged in unethical conduct and has exhibited racial bias.

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 litigant who is pursuing a civil case pro se. The subject judge presides over that case on referral from the assigned district judge. Relevant here, the subject judge quashed several subpoenas the complainant issued and imposed a sanction on her. At a later hearing, the subject judge told the complainant to "stop making personal attacks on" opposing counsel. He warned her that he would not "continue to tolerate" such attacks.

This misconduct complaint makes several allegations against the subject judge. It claims that he has a conflict of interest because the complainant's father has a pending civil lawsuit against the subject judge. It alleges that the subject judge made improper rulings when he sanctioned the complainant and later "threatened" her with further sanctions. Finally, the misconduct complaint alleges that the subject judge has exhibited

racial bias by failing to enforce laws against corporations while "aggressively" enforcing the same laws against African Americans.

The allegations that the subject judge failed to recuse himself, improperly sanctioned the complainant, and threatened future sanctions all 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 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 are therefore dismissed as they directly relate to the merits of subject judge's decisions. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation that the subject judge has exhibited racial bias also warrants dismissal. The complainant's claims—that the subject judge sanctioned the complainant and made intimidating statements—are not sufficient to suggest that the subject judge harbored racial bias. And the record reveals nothing that would raise the specter of racial bias. This claim is dismissed 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)(ii)–(iii) and Judicial-Conduct Rules 11(c)(1)(B) and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: May 22, 2025