JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90023
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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.

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 presides over the complainant's underlying pro se civil case on referral from the assigned district judge. The subject judge has overseen pretrial proceedings and recommended dismissal of that complaint.

This misconduct complaint alleges that the subject judge's rulings have been motivated by bias and demonstrate partiality toward the complainant's opposing party. Specifically, it alleges that the subject judge has incorrectly applied legal precedent, improperly threatened sanctions, failed to address key evidence, provided an inadequate explanation in response to a request for clarification, and generally held the complainant to a harsher standard than opposing counsel. The complainant has attached a copy of a filing in which he requests the subject judge's recusal.

Although the judicial-complaint process may not be used to challenge the merits of a judge's rulings, an allegation that decisions are "the result of an improper motive" can constitute cognizable misconduct. See Judicial-Conduct Rule 4(b)(1). The complainant

has not, however, provided sufficient support for the claim that the subject judge has demonstrated bias or partiality. And a review of the record reveals nothing to raise the specter of either problem. These allegations are thus insufficient to raise an inference of misconduct and warrant dismissal. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

To the extent the complaint challenges the subject judge's rulings and decisions in the underlying case, those allegations similarly 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). These allegations are therefore subject to dismissal as directly related to the merits of the subject judge's decisions. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: May 22, 2025