JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaints of Judicial Misconduct	*	06-25-90029
	*	06-25-90030
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed under 28 U.S.C. § 351 by [redacted] ("complainant") against [redacted] ("subject judge 1"), [redacted] ("subject judge 2"), [redacted] ("subject judges"). The complaint generally challenges the correctness of the subject judges' legal decisions and accuses them of bias and retaliation.

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 sued several entities. He initially filed his underlying complaint in a different jurisdiction, but that court transferred the case to the subject judges' court. The subject judges presided over the case, with subject judge 1 handling the complainant's many motions. Subject judge 1 eventually dismissed the case based on the complainant's failure to follow court orders requiring payment of the filing fee.

This misconduct complaint alleges that the subject judges improperly ruled in the case. It accuses them of "altering or concealing case files," making procedural errors, and intentionally delaying rulings, among many other improprieties. It also alleges that the subject judges retaliated against the complainant, exhibited bias, and lacked impartiality.

This complaint warrants dismissal. Most of the allegations challenge the merits of the decisions in the underlying case. The judicial-complaint process may not be used to challenge the merits of judicial decisions; 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 judges' 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 warrant dismissal because they are merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

To the extent the complaint alleges that the subject judges intentionally delayed or refused to issue rulings to prejudice the complainant, these claims are refuted by the record. The subject judges presided over the underlying case for a few months before subject judge 1 dismissed it due to the complainant's failure to pay the filing fee. During this time, subject judge 1 regularly reviewed and issued rulings on the complainant's many filings. This claim is therefore dismissed 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).

Finally, the claims of bias and retaliation also must be dismissed. The complaint contains no evidence to suggest that the subject judges' actions were biased or in retaliation for the complainant's exercise of his rights, and the record reveals nothing of the sort. These claims are thus also dismissed 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).

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: June 2, 2025