JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90036
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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 appears to allege that the subject judge issued an improper show-cause order.

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 one of complainant's underlying cases. The subject judge issued an order directing the complainant to show cause why the case should not be dismissed. When the complainant did not respond, the subject judge recommended that the case be dismissed.

This misconduct complaint does not contain a brief statement of facts as required by Judicial-Conduct Rule 6(b). A notation on the complaint form mentions, however, a "[f]raudulent show cause order." The complaint form also lists various case numbers and sentence fragments, including: "false claims," "conspiracy," "pending fraud case fixed," "fraudulently enjoined cases," and "rico/corruption."

To the extent that this complaint can be construed as challenging the merits of the subject judge's decisions in the underlying case, it warrants dismissal. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in

underlying proceedings; 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 cases. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This complaint warrants dismissal because its allegations are merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The complaint form also lists the subject judge's clerk of court "(acting as a judge)" as a focus of the complaint. The Judicial Conduct and Disability Act authorizes complaints against judges. *See* 28 U.S.C. § 351(a). "The conduct of the clerk is not subject to review through a judicial misconduct complaint." *See In re Complaint*, No. 05-6-351-65 (6th Cir. C.J. Apr. 24, 2006).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: June 2, 2025