JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90038
	*	06-25-90039
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainants") under 28 U.S.C. § 351 against [redacted] ("subject judge 1"), [redacted] ("subject judge 2"), [redacted]

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 complainants are pro se litigants who jointly filed a lawsuit. Subject judge 1 presides over the case and referred pretrial matters to subject judge 2. One of the complainants filed a misconduct complaint against subject judge 2 last year; that complaint ended in dismissal.

This misconduct complaint mostly challenges the correctness of the subject judges' decisions. It accuses them of failing to issue a scheduling order, improperly denying leave to amend the underlying complaint, ruling prematurely on a report and recommendation, and failing to correct false statements made by the opposing parties. The complaint also repeats bias allegations that were rejected in the 2024 misconduct complaint.

This complaint warrants dismissal. Most of the allegations challenge the merits of the subject judges' decisions in the underlying case. 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). The allegations about the subject judges' rulings warrant dismissal because they are merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation that the subject judges are biased against the complainants also meets dismissal. "A complaint must not be dismissed solely because it repeats allegations of a previously dismissed complaint if it also contains material information not previously considered and does not constitute harassment of the subject judge." Rule 11(c)(2), Rules for Judicial-Conduct and Judicial-Disability Proceedings. On the other hand, allegations that are identical to those made in a prior, rejected complaint may be dismissed. *See In re Complaint*, Nos. 05-10-90223 through -90226 (5th Cir. C.J. Nov. 19, 2020).

The allegation of bias fails. The complaint repeats an allegation from the 2024 misconduct complaint that subject judge 2 is biased against the complainants because of "known associations" in the local county. Because this allegation was rejected as speculative in the 2024 complaint, it is now subject to dismissal as frivolous. *See* Judicial-Conduct Rule 11(c)(1)(C). As to subject judge 1, the current complaint provides no basis, aside from disagreement with judicial rulings, to conclude that he harbors bias against the complaints. The allegation is thus dismissed as lacking sufficient evidence to suggest that misconduct has occurred. *See* 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), (C), and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: June 27, 2025