JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re: Complaints of Judicial Misconduct	* * * * * * *	06-25-90040-41-42-43-44-45-46-47-48-49-50-51-52-53-54

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] [redacted] ("complainant") against [redacted] ("subject judges"), under 28 U.S.C. § 351. The complaint alleges that the subject judges conspired with a variety of public and private entities to deprive her of her "legal and Constitutional rights under state, federal, and Constitution law." Additionally, she generally challenges the correctness of legal decisions made by the subject judges.

After conducting an initial review, the chief judge may dismiss a complaint of judicial misconduct as to which she 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." Rule 11(c)(1)(A)–(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Judicial-Conduct Rules"); *see* 28 U.S.C. § 352(a), (b). Because the chief circuit judge is a subject of this complaint, the complaint

has been referred to the next most senior active circuit judge for review. *See* Rule 24(f), Judicial-Conduct Rules.

The complainant is a pro se litigant who has filed numerous complaints in state and federal court. The subject judges presided over the underlying cases and related appeals.

The misconduct complaint repeatedly challenges the subject judges' judicial decisions, claiming that the "thirty-six fraudulent adverse judgments by twenty-five judges" is indisputable evidence that the decisions by each subject judge were predetermined and are evidence of "partiality, prejudice, discrimination, retaliation, gross indifference, and bias" against the complainant. As support for these claims, the complainant provides the procedural history of her cases and citations to rulings and decisions she believes were incorrectly decided. Additionally, the complainant alleges that one district court judge improperly failed to recuse from an underlying case and the same district judge and a magistrate judge intentionally delayed ruling in her cases.

This complaint is subject to dismissal. To the extent that the complaint alleges the subject judges made improper rulings in the underlying cases, the complainant is attempting to challenge the merits of their decisions. 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 subject to dismissal as directly related to the merits of the subject judge's judicial decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Similarly, the allegations of bias based on adverse rulings are also subject to dismissal. "Judicial rulings alone almost never constitute a valid basis" for showing bias, *see Liteky v. United States,* 510 U.S. 540, 555 (1994), and "[c]ognizable misconduct does not include an allegation that calls into question the correctness of a judge's ruling," Judicial-Conduct Rule 4(b)(1). Because the complainant has failed to support the claims of bias with sufficient evidence to raise an inference that misconduct has occurred, the allegations are dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, the complainant does not allege a cognizable claim of delay against the district judge and magistrate judge. A claim of delay is cognizable in judicial misconduct proceedings only if accompanied by an allegation that a particular decision was deliberately delayed with an improper motive, or that the subject judge has habitually delayed decisions in a significant number of unrelated cases. See Judicial-Conduct Rule 4(b)(2). Conversely, a complaint of delay in a single case may be said to challenge the correctness of the subject judge's official action and is thus merits-related. *See* Commentary to Judicial-Conduct Rule 4.

The complainant does not allege habitual delay in a significant number of unrelated cases. And her claimed reasons for delay, namely a conspiracy directed at the complainant, is purely speculative. These allegations are insufficient to establish that the subject judges harbored an improper motive when ruling in the complainant's cases. These claims are thus dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(ii); 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 Rules 11(c)(1)(B) and (D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

/s/ Karen Nelson Moore
Circuit Judge

Date: April 22, 2025