JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90057
	*	06-25-90058
	*	06-25-90059
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	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") under 28 U.S.C. § 351 against [redacted] ("subject judge 1"), [redacted] ("subject judge 2"), and [redacted] ("subject judge 3"), all of the [redacted] The complaint alleges that the subject judges made improper rulings in the complainant's underlying cases.

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. Subject judge 1 presided over the complainant's underlying civil suit. Subject judge 1 granted the defendants' motion to compel arbitration and dismissed the underlying case without prejudice. Following the dismissal, the complainant petitioned for a writ of quo warranto against subject judge 1, arguing that he had exceeded his authority when he barred the complainant from refiling. Subject judges 2 and 3 presided over the quo warranto proceedings. On subject judge 3's recommendation, subject judge 2 dismissed that case because of the complainant's failure to pay the filing fee.

The misconduct complaint alleges that the subject judges improperly ruled in the underlying cases. It accuses subject judge 1 of improperly restricting the complainant's

ability to refile his case following its dismissal without prejudice. It also accuses subject judge 1 of bias. As to subject judges 2 and 3, the complaint alleges that they incorrectly decided his case against subject judge 1. The complaint also generally challenges the legality of filing fees.

This complaint warrants dismissal. Most of the allegations challenge the merits of the subject judges' decisions in the complainant's cases. 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). 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 that the complaint accuses subject judge 1 of bias, this claim is also dismissed. The complaint alleges that subject judge 1 failed to ensure the complainant was "allowed to move his case forward fully and fairly." The only support for this claim is the complainant's disagreement with the subject judge's decisions. That is not enough to suggest that the subject judge was biased, so this claim is dismissed as lacking sufficient evidence to raise an inference of misconduct. *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 Rule 11(c)(1)(B)–(D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: June 27, 2025