JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90065
	*	06-25-90066
	*	06-25-90067
	*	
	*	
	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judges"). *See* 28 U.S.C. § 351.

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 judges presided over the complainant's underlying civil cases. This is the third misconduct complaint the complainant has filed against the subject judges. The prior two complaints met dismissal because they challenged the merits of the subject judges' decisions.

The present complaint repeats claims that the subject judges made improper rulings in his underlying cases. The complaint alleges, among other things, that the subject judges violated due process, accepted false evidence, misrepresented the law and facts, and miscalculated filing deadlines.

Many, if not all, of these allegations are duplicative of claims raised in the earlier misconduct complaints. "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." Judicial-Conduct Rule 11(c)(2). 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). To the extent the new complaint repeats allegations that have already been rejected, it is dismissed as frivolous. *See* Judicial-Conduct Rule 11(c)(1)(C).

To the extent the complaint raises new challenges to the subject judges' rulings in the underlying cases, these claims are also subject to 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). Any new allegations are therefore dismissed as directly related to the merits of subject judges' decisions. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

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 (C).

/s/ Jeffrey S. Sutton
Chief Judge

Date: July 25, 2025