JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90069
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MEMORANDUM AND ORDER

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

The complainants are attorneys who have a pending matter before the subject judge. Their complaint alleges that the subject judge has delayed issuing decisions in that case and others. The complaint requests an investigation into the cause of these delays and an effective resolution for both the complainants and the broader public.

A.

After conducting an initial review, the chief judge must determine whether a complaint should be: (1) dismissed; (2) concluded on the ground that voluntary corrective action has been taken; (3) concluded because intervening events have made action on the complaint no longer necessary; or (4) referred to a special committee. Rule 11(a)(1)–(4), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Judicial-Conduct Rules").

"In determining what action to take under Rule 11(a), the chief judge may conduct a limited inquiry." Judicial-Conduct Rule 11(b). As part of this process, the chief judge may "review transcripts and other relevant documents" and may "communicate orally or in writing" with anyone "who may have knowledge of the matter." *Id.* A limited inquiry into this complaint revealed the following.

1.

Delays in the Complainants' Case. The complainants filed their lawsuit at the beginning of 2020. They had fully briefed summary-judgment motions by the end of 2021.

In early 2022, the case was reassigned to the subject judge in accordance with a General Order of the district court. A status update filed shortly after the reassignment reported that the case was being litigated in phases, and that the "phase 1" summary-judgment motions were ready for disposition.

The case sat without significant activity for another year. In early 2023, the subject judge held a status conference and advised the parties that the motions remained under consideration. Another eight months passed without any activity.

Then, in late 2023, the complainants filed an emergency motion for a preliminary injunction and requested expedited review. The motion sought relief in advance of an event scheduled to take place in early 2024. The subject judge never ruled on the motion.

Several months later, concerned about the lingering summary-judgment motions and now-mooted emergency motion, the complainants requested a status conference. Roughly four months after the initial request, the subject judge held a status conference at which he noted that he was "actively considering pending motions."

Another eight months passed without any action from the subject judge, so the complainants filed this misconduct complaint. All told, at the time this complaint was filed, the summary-judgment motions had been pending before the subject judge for 38 months. And the now-mooted emergency motion had been pending for 18 months.

Delays in Other Cases. The complaint also lists examples of delays in other, unrelated cases pending before the subject judge. It cites four semiannual reports released in accordance with the Civil Justice Reform Act, 28 U.S.C. § 476. Those "CJRA Reports" list, among other things, the number of civil motions pending with a judge for six months or more. The four cited CJRA reports show that the subject judge had dozens of motions pending for six months or more from March 2023 until September 2024. The complaint also lists ten specific cases in which the subject judge took between 21 and 36 months to resolve dispositive motions.

2.

Immediately upon receiving this misconduct complaint, I worked with the chief judge of the subject judge's district to address the issues it raised. Both the chief district judge and I have had several conversations with the subject judge. The subject judge has acknowledged the seriousness of the problem and the need to address it quickly. I arranged law clerk assistance to help the subject judge with his workload. Within eight weeks of the complaint's filing, the subject judge had resolved each of the outstanding motions identified in the complaint.

Moreover, the subject judge and the chief district judge have developed a satisfactory plan to address the broader backlog in the subject judge's cases. And the subject judge has closed civil and criminal cases at a reasonable pace since the filing of this misconduct complaint.

B.

It is my view that the subject judge has taken, and will continue to take, appropriate action to address the problems identified in this complaint.

The Judicial Conduct and Disability Act addresses "conduct prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a). A complaint of delay in a single case does not, without more, constitute misconduct. *See* Judicial-Conduct Rule 4(b)(2). But delay can become misconduct if it comes from an "improper motive," or if a judge demonstrates "habitual delay in a significant number of unrelated cases." *See id.*

This complaint concerns only the last exception—habitual delay in a significant number of unrelated cases. Deciding cases in a timely fashion is an essential function of the courts. The parties that come before us are entitled to decisions, and sometimes they may prefer even an incorrect decision over no decision.

Judges, to be sure, are not robots. They sometimes experience personal challenges or simply catch a string of difficult cases. And judging, particularly in a district court, is no walk in the park. A judge in regular active service must manage an unrelenting docket filled with cases that challenge the mind and the heart. Despite these realities, however, a judge's responsibility to the public must always come first.

I am confident that the subject judge takes his obligations seriously. He has shown a commitment to reducing his backlog of motions by issuing rulings in long-pending cases and working with his chief district judge on a plan for moving forward. I expect that he will continue making progress under that plan. Under these circumstances, I conclude that "the subject judge has taken appropriate voluntary corrective action that acknowledges and remedies the problems raised by the complaint." Judicial-Conduct Rule 11(d)(2); *see* 28 U.S.C. § 352(b)(2); *In re Matter of a Complaint of Judicial Misconduct or Disability*, DC-22-90019 (D.C. Cir. C.J. Mar. 10, 2023).

Accordingly, it is **ORDERED** that the complaint be concluded under 28 U.S.C. § 352(b)(2) and Judicial-Conduct Rule 11(d)(2).

/s/ Jeffrey S. Sutton
Chief Judge

Date: August 8, 2025