JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaints of Judicial Misconduct	*	06-25-90070
	*	06-25-90071
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge 1"), and [redacted] ("subject judge 2"), under 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 complainant is a pro se litigant. Subject judge 1 presides over his underlying civil case and has referred certain pretrial matters to subject judge 2. This is the second misconduct complaint the complainant has filed against subject judge 1. The previous complaint ended in dismissal.

This misconduct complaint alleges that the subject judges engaged in a host of misconduct. It accuses subject judge 2 of mishandling discovery rulings, failing to properly record hearings, acting as a lawyer for the opposing party, mishandling a recusal motion, and being influenced by outside forces. As to subject judge 1, the complaint accuses her of ignoring subject judge 2's misconduct, issuing an illegal order, collusion, and showing "bias[] in favor of special interests." It also accuses subject judge 1 of "interrupting" the complainant "with extreme animus and hostility" during a hearing and later threatening to designate him as a vexatious litigator.

Many of the allegations attack the subject judges' decisions. The complaint cites improper recusal and discovery rulings, takes issue with the process given at hearings, and challenges the length and format of orders. These allegations "call[] into question the correctness of an official decision or procedural ruling" and are "merits-related." *See* Commentary to Judicial-Conduct Rule 4(b)(1). 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 judges' rulings or to grant relief requested in the underlying case. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This aspect of the complaint is therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegations that the subject judges exhibited bias against the complainant also warrant dismissal. To support these claims, the complaint cites disagreement with several of the subject judges' decisions and accuses them of acting as attorneys for the opposing party. However, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994). And this is not one of "the rarest circumstances" in which they demonstrate "the degree of favoritism or antagonism required . . . when no extrajudicial source is involved." *Id.* Because the complaint fails to support the bias allegations with credible evidence, they are dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

The complaint next alleges that subject judge 1 engaged in unprofessional conduct during a hearing and in a written order. "Cognizable misconduct includes . . . treating litigants . . . in a demonstrably egregious and hostile manner." Judicial-Conduct Rule 4(a)(2)(B). However, judicial remarks that are "critical or disapproving of" a party "ordinarily do not support a bias . . . challenge" in the absence of evidence that would establish an "antagonism that would make fair judgment impossible." *See Liteky*, 510 U.S. at 555. "[E]ven a stern and short-tempered judge's ordinary efforts at courtroom administration" are insufficient. *Id.*

This allegation warrants dismissal. The complaint alleges that subject judge 1 interrupted the complainant during a hearing "with extreme animus and hostility." He also cites an order in which she warned him that he could be designated a vexatious litigator if he continued "to exploit the judicial process by filing motion after motion based on meritless arguments." As an initial matter, nothing about the quoted order is improper. And the complaint makes only generic allusions to "animus and hostility" when describing subject judge 1's "efforts at courtroom administration." *See Liteky*, 510 U.S. at 555. Without more, this allegation also lacks sufficient evidence to raise an inference that misconduct has occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Next, the claims that the subject judges have engaged in collusion with outsiders are also dismissed. The complaint asserts that the judges' conduct has been "so beyond the pale" that he "suspect[s] that the powerful . . . in-house lawyers . . . are influencing these actions ex parte." These speculative claims are insufficient to raise an inference that misconduct has occurred. This portion of the complaint is also dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Finally, the complaint alleges that subject judge 1 knew of subject judge 2's misconduct and failed to take appropriate action. As the allegations against subject judge 2 have not been substantiated, this too is dismissed as lacking sufficient evidence to raise an inference that misconduct has occurred. *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 Rules 11(c)(1)(B)–(D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: August 25, 2025