# JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

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| In re: | * | |
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| Complaint of Judicial Misconduct | * | 06-25-90074 |
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## MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge"), under 28 U.S.C. § 351. The complaint generally alleges the subject judge engaged in misconduct during the sentencing phase of the complainant's underlying case.

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 judge presided over the complainant's underlying criminal case. Over the course of several months, the subject judge held hearings on issues related to sentencing. Some of those hearings were continued, and at least one continuance came at the joint request of the government and the complainant. The subject judge ultimately sentenced the complainant.

This misconduct complaint asserts that the sentencing "proceedings were marked by significant delays, judicial bias, and disregard for critical evidence presented by [the] defense." Compl. 1. It contends that the subject judge rescheduled the sentencing hearing multiple times, was unfamiliar with the case, and was generally unfair to the defense and lenient with the government.

The bulk of the allegations challenge the subject judge's sentencing decisions, including continuances he granted that delayed the final sentencing. "Cognizable misconduct does not include an allegation that calls into question the correctness of a

judge's ruling." *See* Judicial-Conduct Rule 4(b)(1) and related commentary. 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 cases. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). More particularly, allegations of delay do not amount to misconduct "unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases." Judicial-Conduct Rule 4(b)(2).

The allegations about the subject judge's discrete decisions in managing the sentencing process are merits-related. They "question the correctness of" the subject judge's "official decision[s] or procedural rulings." *See* Commentary to Judicial-Conduct Rule 4(b)(1). As for delay, the complaint does not allege habitual delay in other cases, nor does it suggest that the subject judge delayed the sentencing *because of* an improper motive. To the contrary, it asserts that the result of those delays "ultimately strengthened [the government's] case against" the complainant. Compl. 1. The bulk of this complaint, which challenges the subject judge's rulings and case-management decisions, is therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The complaint also alleges that the subject judge allowed the prosecution certain leeway without giving the complainant the same benefit. And it contends the subject judge did not give the complainant a "fair opportunity to speak or defend herself." Compl. 2.

The allegations of bias warrant dismissal. The more general allegations are merely disagreements with official rulings, and insufficient to raise an inference that the subject judge was biased. As to the allegations about the complainant's allocution, her contentions are contradicted by the record and her own assertions. The transcript shows that the subject judge invited the complainant to speak, made it clear that it was her right to do so, and listened to her speak for roughly six pages of transcript. At one point, the subject judge interjected to give the complainant's attorney's an opportunity to discuss the significance of her statement being under oath. As the complainant recounts, her attorneys cautioned her about "speak[ing] on facts of the case because it would jeopardize [her] acceptance of responsibility." Compl. 2. Nothing about that exchange suggests bias. These allegations thus lack 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) and (D).

*/s/ Jeffrey S. Sutton*
Chief Judge

Date: August 8, 2025