JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaints of Judicial Misconduct	*	06-25-90083
	*	06-25-90084
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MEMORANDUM AND ORDER

These complaints of judicial misconduct were 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).

Subject judge 1 presided over the complainant's underlying pro se civil suit and referred the case to subject judge 2 for pretrial supervision. During the case, the complainant filed several motions seeking to reassign the case to a new judge and/or requesting recusal of the subject judges. The motions were denied. Subject judge 2 later withdrew the complainant's electronic filing privileges because of her unwillingness to comply with court orders and procedures.

After the complainant failed to appear at two status conferences and a show-cause hearing, subject judge 2 recommended that the complainant's case be dismissed without prejudice. Subject judge 1 has not yet ruled on this recommendation.

This misconduct complaint makes several allegations against the subject judges. It accuses them of exhibiting bias towards the complainant. It alleges that subject judge

2 interfered with her recusal motions, made false statements about her, and retaliated against her by revoking her electronic filing privileges. It also claims that subject judge 1 encouraged and tolerated subject judge 2's misconduct.

This complaint warrants dismissal. The claims regarding subject judge 2's handling of her recusal motions, characterization of the complainant's actions and arguments, and revocation of electronic filing privileges challenge the merits of subject judge 2's decisions in the case. 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 judge's rulings or to grant relief requested in the underlying case. *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).

The complaint's allegations of bias are also dismissed. The complainant speculates that the subject judges treated her differently based on her race and pro se status. But she offers no support for these claims and a review of the record reveals none. The bias allegations thus lack sufficient evidence to raise an inference that misconduct has occurred and are subject to dismissal. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

As no evidence suggests that subject judge 2 engaged in misconduct, claims that subject judge 1 ignored or condoned such behavior are also dismissed as lacking sufficient evidence to proceed. *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: July 21, 2025