# JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

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| In re: | * | |
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| Complaint of Judicial Misconduct | * | 06-25-90088 |
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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.

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 civil case against a prospective employer. The subject judge granted summary judgment to the employer. That ruling was later affirmed in part and vacated in part.

Although this misconduct complaint disclaims "challenging [the subject judge's] rulings in the underlying case," it largely attacks the subject judge's decision to grant summary judgment to the employer. It contends that the subject judge failed to consider the complainant's response to the employer's motion, "wrongly applied the standard *McDonnell Douglas* framework," "cherrypicked" and "materially falsified facts" to the employer's advantage, and overlooked the opposing lawyers' misconduct. It also alleges that the subject judge engaged in a conspiracy with the employer and harbored racial bias against the complainant.

Despite the complaint's disavowal of any challenge to the subject judge's rulings, most of the allegations are merits-related attacks on the summary-judgment decision. The

judicial-complaint process may not be used to challenge this decision; it is 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 in the underlying case. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). This aspect of the complaint is subject to dismissal as directly related to the merits of the subject judge's decisions. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation that the subject judge engaged in conspiracy with the employer also warrants dismissal. The complainant contends that the employer's motion was "judicial garbage" and that the only explanation for granting it is that "the lawyers and [subject judge] were doing teamwork." This claim is not supported by evidence, and the record reveals nothing to suggest that the subject judge acted in concert with the employer. This portion of the complaint is thus 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).

Finally, the claim that the subject judge "fulfilled his personal interest of hating [the complainant] for her race" is also dismissed. The complaint makes only a conclusory allegation that the subject judge was motivated by racial hatred, and the record contains nothing to substantiate that claim. This allegation is thus 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 Rules 11(c)(1)(B) and (D) of the Judicial-Conduct Rules.

*/s/ Jeffrey S. Sutton*
Chief Judge

Date: August 25, 2025