# JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

**MICHIGAN-OHIO-KENTUCKY-TENNESSEE**

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| In re:<br>Complaint of Judicial Misconduct | *<br>*<br>*<br>*<br>*<br>*<br>* | 06-25-90098 |

## 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 also includes allegations against [redacted]. The Judicial-Conduct and Disability Act permits the filing of charges of misconduct against a covered "judge," a term defined to mean "a circuit judge, district judge, bankruptcy judge, or magistrate judge." *See* 28 U.S.C. §§ 351(a), (d)(1). No complaint was opened against [redacted] because she is no longer a covered judge.)

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." Rule 11(c)(1)(A)–(D), Rules for Judicial-Conduct and Judicial-Disability Proceedings ("Judicial-Conduct Rules"); *see* 28 U.S.C. § 352(a), (b).

Nearly ten years ago, the complainant filed a pro se complaint against the subject judge and several other government and corporate defendants. A magistrate judge reviewed the complaint and recommended dismissal. Another district judge adopted this recommendation.

This misconduct complaint alleges that the subject judge and the former magistrate judge improperly "dismissed the complaint as 'delusional.'"

This complaint warrants dismissal. As an initial matter, the subject judge did not issue a ruling in the underlying case. Because the allegations are refuted by the record, they can be 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).

Even if the subject judge had presided, these allegations are not cognizable in this proceeding because they challenge the merits of the rulings in the underlying case. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings; 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).

Accordingly, it is **ORDERED** that the complaint be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii)–(iii) and Judicial-Conduct Rule 11(c)(1)(B), (D).

*/s/ Jeffrey S. Sutton*
Chief Judge

Date: October 23, 2025