JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90097
	*	06-25-90104
	*	06-25-90108
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	*	

MEMORANDUM AND ORDER

These complaints of judicial misconduct were filed by [redacted] ("complainant") against [redacted] ("subject judge 1"), the [redacted] ("subject judge 2"), and [redacted] ("subject judge 3"), [redacted]. *See* 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 who has filed unrelated civil suits against a former employer and against a grocery store. Subject judge 1 presides over the suit against the former employer. Subject judge 2 presides over the suit against the grocery store. Subject judge 3 has handled pretrial matters in both cases on referral from the assigned district judges.

In the proceedings against the former employer, the complainant filed a flurry of motions for emergency relief. Subject judge 1 instructed the complainant to cease filing new documents until the court could rule on the pending motions. In response, the complainant docketed some 13 additional filings. Subject judge 3 consequently issued an order revoking the complainant's access to electronic case filing in that case.

A few days later, subject judge 3 entered an order revoking the complainant's electronic filing access in the grocery case. Her order noted that, from a technology standpoint, it was impossible to revoke a litigant's filing access in only one case. And in any event, the complainant had made duplicative filings in that case as well, so the revocation was not unjust.

The complainant has filed separate misconduct complaints against all three subject judges. The complaints have been consolidated for consideration.

Subject judge 1. The misconduct complaint against subject judge 1 mostly challenges the correctness of subject judge 1's decisions. It accuses him of failing to hold hearings or address the substance of the complainant's emergency motions. It also challenges the directive to cease new filings while the court considered the pending motions as one-sided and unfair. Finally, the complaint alleges that subject judge 1 is biased in favor of the defense and has failed to treat a pro se litigant with impartiality and respect. It attributes this to "possible racial and religious animus."

Subject judge 2. The misconduct complaint against subject judge 2 alleges retaliation after the complainant sought the recusal of subject judge 3. It challenges the filing restrictions placed on the complainant and subject judge 2's other rulings.

Subject judge 3. The misconduct complaint against subject judge 3 focuses on her decision to revoke the complainant's electronic case filing access, calling it "retaliatory conduct, abuse of judicial authority, and discriminatory interference with [the complainant's] access to the courts." It also alleges that subject judge 3 committed procedural errors by failing to seal certain "sensitive filings."

These complaints warrant dismissal. Most of the allegations challenge the merits of the subject judges' decisions in the underlying cases. Those decisions include rulings on various motions, decisions not to recuse, alleged procedural errors, and the imposition of filing restrictions. The judicial-complaint process may not be used to challenge the merits of judicial decisions or procedural rulings made in underlying proceedings, "including a failure to recuse." *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 cases. *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 complaints' allegations of bias and retaliation are also dismissed. Although the judicial-complaint process may not be used to challenge the merits of a judge's ruling, an allegation that a decision is "the result of an improper motive" can constitute cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(1).

The complainant speculates that subject judge 1 treated him differently based on his race, religion, and pro se status. But he offers no support for these claims aside from his disagreement with subject judge 1's rulings. Those 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 nothing in the complaint or record suggests "the degree of favoritism or antagonism required" to establish bias when "no extrajudicial source is involved." *Id.*

The retaliation and bias claims against subject judges 2 and 3 are also dismissed. No evidence supports the claim that these judges conspired to retaliate against the complainant after he accused subject judge 3 of misconduct. Separately, the allegation that subject judge 2 considered the complainant's conduct in the case against the former employer does not reveal impropriety. "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* The complainant has not put forth evidence sufficient to make that showing.

The bias and retaliation 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).

Accordingly, it is **ORDERED** that the complaints 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: September 23, 2025