JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaints of Judicial Misconduct	*	06-25-90105
	*	06-25-90106
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MEMORANDUM AND ORDER

These complaints of judicial misconduct were filed by [redacted] ("complainants") against [redacted] ("subject judge 1"), and [redacted]ge ("subject judge 2"), [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 subject judges presided over the complainants' pro se civil lawsuits. Subject judge 1 referred certain pretrial matters to subject judge 2 in each case. Both lawsuits ended in voluntary dismissal.

These misconduct complaints accuse each judge of improprieties in the underlying lawsuits. The complaint against subject judge 1 accuses him of failing to close the first lawsuit in a timely manner, issuing improper rulings on various motions, scheduling a hearing before permitting discovery, ignoring evidence of perjury, endorsing subject judge 2's alleged misconduct, mishandling of sealed documents, and bias. The complaint against subject judge 2 accuses him of improperly denying discovery, failing to instruct the pro se complainants on procedural matters (despite having done so for other pro se litigants in the past), denying an extension, mishandling of sealed documents, refusal to recuse, and bias.

Subject Judge 1. The complaint against subject judge 1 is dismissed.

Most of the allegations warrant dismissal because they directly challenge the merits of subject judge 1's rulings. 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). Any challenges to subject judge 1's rulings are therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

To the extent the complaint alleges that subject judge 1 issued rulings with an improper motive, it is also dismissed. An allegation that decisions are "the result of an improper motive" can constitute cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(1). This complaint, however, alleges only that subject judge 1 "was exposed to sealed and prejudicial information including the [complainant's] mental illness, receipt of Social Security disability, and falsified FBI records." That is insufficient to demonstrate that bias motivated any rulings. *See Liteky v. United States*, 510 U.S. 540, 555 (1994). Any such 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).

The allegation that subject judge 1 ignored evidence of subject judge 2's misconduct is also dismissed. As explained below, the complaints provide no credible evidence that subject judge 2 engaged in misconduct. This allegation is therefore also dismissed for lack of sufficient evidence. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Subject Judge 2. The complaint against subject judge 2 is dismissed, for largely the same reasons.

Allegations that directly challenge subject judge 2's rulings are dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegations of "judicial bias" fail because they are not backed by any credible evidence. The complaint again cites subject judge 2's review of "sealed materials submitted by [the complainant] containing extremely sensitive, personal, and false information." It also claims, without any citation, that subject judge 2 treated the complainants differently than other pro se litigants because he failed to give them "instruction on subpoena service." In the complainants' minds, this "indicates deliberate intent to obstruct discovery." This vague and speculative contention is insufficient to support a claim of bias. The bias allegations are thus dismissed as insufficient to raise an inference of misconduct. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Accordingly, it is **ORDERED** that these 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: November 3, 2025