JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90107
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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 presides over the complainant's underlying pro se civil suit. Relevant here, the complainant applied to proceed in forma pauperis and moved to seal the accompanying financial affidavit. The subject judge denied the motion and docketed the affidavit. The complainant later withdrew the affidavit and the court removed it from the docket.

This misconduct complaint challenges the denial of the motion to seal and the docketing of the affidavit. It also alleges that the subject judge "refused to rule on key filings" and overlooked misconduct from the opposing party. Compl. 4–5. It calls this "an egregious and retaliatory breach of privacy" and part of "a broader pattern of judicial bias, suppression, and apparent coordination with opposing counsel." Compl. 1.

This complaint warrants dismissal. The claims that the subject judge improperly denied the motion to seal, overlooked the complainant's filings, and permitted misrepresentations by the opposing party directly challenge the merits of the subject

judge's rulings. The judicial-complaint process may not be used to challenge the merits of judicial decisions; 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 claims are dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation of retaliation is also dismissed. The complaint notes that the order denying the motion to seal came within hours of the complainant filing other motions, and views this as evidence of retaliation. And it suggests that the docket was "manipulated to mask the retaliatory nature" of the exposure. Compl. 3–4. This is unfounded speculation. As an initial matter, docketing is typically handled by clerk's office staff, and nothing suggests that the subject judge had any involvement with the way in which files were docketed. Moreover, the activity in question happened in quick succession, with the denial of the motion to seal coming shortly after its filing. As to the alleged manipulation, the docket is clear that the original motions were "entered on" the date identified by the complainant, and then subsequently "[m]arked as withdrawn" at the complainant's request. The allegation of retaliation is thus dismissed as lacking sufficient evidence that misconduct occurred. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

For the reasons explained above, the complaint has not presented sufficient evidence of "a broader pattern of bias, suppression, and apparent coordination with opposing counsel." Compl. 1. This allegation is also dismissed. *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: November 21, 2025