JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re: Complaint of Judicial Misconduct	* * * * * * *	06-25-90109

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 civil suit. She initially granted a motion for judgment on the pleadings, dismissing the case in its entirety. On appeal, the Sixth Circuit vacated the judgment in part, allowing four of the complainant's claims to proceed.

After remand to the district court, the subject judge appointed pro bono counsel for the complainant. A few months later, after disputes with the complainant, the attorney moved to withdraw. The subject judge granted the motion. The complainant has proceeded pro se since that time and the matter is ongoing.

This misconduct complaint (which, together with a supplement, totals 451 pages) alleges that the subject judge engaged in a host of misconduct. Among other things, it accuses the subject judge of misapplying the law, ignoring factual allegations, advocating for the defendants, failing to act in response to attorney misconduct, and engaging in a "quid pro quo" arrangements with appointed counsel.

This complaint warrants dismissal.

Merits Challenges. Many of the allegations challenge the merits of the subject judge's decisions in the underlying case. The complaint attacks the subject judge's legal rulings; the process used to appoint, remove, and refer pro bono counsel; the purported failure to address attorney misconduct; and other decisions the subject judge made throughout the litigation.

As an initial matter, any challenge to the actions of the attorneys involved in the underlying case is outside the scope of these proceedings. *See* 28 U.S.C. § 351(a) (authorizing complaints against "a judge"). Those portions of the complaint are therefore dismissed as outside the scope of the Judicial Conduct and Disability Act. *See* 28 U.S.C. § 352(b)(1)(A)(i).

The rest of these allegations "call[] into question the correctness of an official decision or procedural ruling" and are "merits-related." *See* Commentary to Judicial-Conduct Rule 4(b)(1). 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 cases. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). These allegations are therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Bias. The complaint makes several accusations of bias or improper relations with counsel. It alleges that the subject judge raised arguments not presented by the defense. It also suggests that the subject judge, pro bono counsel, and defense counsel maintained an overly familiar relationship that created an appearance of partiality or evidence of a "quid pro quo arrangement." In support of the latter allegation, the complaint notes that the pro bono counsel had once interned for the government office representing the defendants, that lawyers involved in the case attended the same law school and "referr[ed] to one another by first name and even by nicknames," and that the lawyers communicated about the case "even during times when either party was on vacation." It also alleges that pro bono counsel "avoided any reprimand for her ethical violations" by informing the subject judge that the complainant intended to file a misconduct complaint against her.

The allegations of bias 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). This complaint, however, makes only conclusory allegations of bias. The allegations of improper coordination with counsel are rooted in speculation and tenuous associations. These allegations are 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)(i)–(iii) and Judicial-Conduct Rules 11(c)(1)(B) and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: November 3, 2025