JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90110
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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 presided over the complainant's pro se lawsuit. The complainant filed the suit in another district, but that district transferred the case to the subject judge's district. The subject judge was then assigned to the case by random selection. After the transfer and reassignment, the subject judge ruled on several of the complainant's motions. The subject judge denied the complainant's motion for leave to proceed in forma pauperis ("IFP") and ordered him to pay the filing fee. When the complainant failed to comply, the subject judge dismissed the case without prejudice.

This misconduct complaint alleges that the subject judge dismissed the complainant's filings "without addressing any factual or evidentiary basis"; struck IFP filings; unlawfully removed the complainant's minor child as a plaintiff; manipulated docket entries; gave the complainant's case number a "prisoner" label; denied the complainant access to the electronic case filing system; and engaged in a "broader scheme of RICO-predicate obstruction."

This complaint is subject to dismissal. Most of the allegations attack the subject judge's handling of motions and procedural issues in the case. Those allegations

challenge the merits of the subject judge's decisions. 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). The allegations concerning the subject judge's rulings 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 allegation that the subject judge prevented the complainant from accessing the electronic filing system is also dismissed. As an initial matter, the record contradicts this claim; the subject judge granted the complainant's request for access to the electronic filing system. But even if it is true, this allegation "calls into question the correctness of an official decision or procedural ruling of a judge" and is thus "merits-related." *See* Commentary to Judicial-Conduct Rule 4(b)(1). That warrants dismissal. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Next, the allegation that the subject judge participated in a RICO-type scheme with judges in other circuits also warrants dismissal. The complaint does not support this claim with any evidence. This portion of the complaint is thus dismissed as insufficient 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).

Finally, the allegations about docket manipulation warrant dismissal because they are not cognizable in this proceeding. Again, the record contradicts any suggestions of wrongdoing. The complainant's lawsuit received a new case number when it was transferred to the subject judge's district. And the clerk's office flagged the case to reflect the complainant's status as a pro se litigant, not a prisoner. Even so, these allegations target actions taken by the clerk's office. The Judicial Conduct and Disability Act authorizes complaints against judges. *See* 28 U.S.C. § 351(a). "The conduct of the clerk is not subject to review through a judicial misconduct complaint." *See In re Complaint*, No. 05-6-351-65 (6th Cir. C.J. Apr. 24, 2006). These allegations are thus dismissed as outside the scope of the Act. *See* 28 U.S.C. § 352(b)(1)(A)(i).

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