JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90118
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] [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." Rule 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 underlying criminal case. The complainant pleaded guilty to one count of the indictment and was sentenced to a term of incarceration. Six weeks after the subject judge sentenced the complainant, the case was reassigned to a different district judge.

This misconduct complaint accuses the subject judge of improperly considering the complainant's national origin during sentencing, committing legal and procedural errors while presiding over the case, and suffering from a disability.

This complaint warrants dismissal. The bulk of the complaint attacks the subject judge's decision making and analysis during sentencing. These allegations challenge the merits of the subject judge's decisions in the underlying cases. 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 claims 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 of bias is also subject to dismissal. The complainant contends that the subject judge exhibited bias by stating during the sentencing hearing that the complainant was "greedy and wanted to live the American dream." Compl. 4. Judicial remarks that are "critical or disapproving of" a party, however, ordinarily do not support a bias challenge without evidence demonstrating a "deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Moreover, comments about behavior giving rise to an underlying criminal charge are generally relevant to these hearings in which the court determines an appropriate consequence. *See* Commentary to Judicial-Conduct Rule 4(b)(1) (noting that when a "judge's language was relevant to the case at hand[,] . . . then the judge's choice of language is presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an improper motive"). Without more, the allegation of bias lacks 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).

Finally, the allegation that the subject judge suffered from a disability is also dismissed. The complaint claims that the subject judge "was approximately 80 years old at the time of sentencing and retired immediately following my case." Compl. 5. It cites no credible evidence to suggest that the subject judge suffered from a disability. This portion of the complaint is therefore dismissed as frivolous under 28 U.S.C. § 352(b)(1)(A)(iii) and Rule 11(c)(1)(C).

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)–(D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: November 21, 2025