JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90122
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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." 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 complainant is a pro se litigant and the subject judge presides over complainant's underlying civil suit. The misconduct complaint challenges the subject judge's actions during a hearing on the complainant's counsels' motion to withdraw from the case. The complainant alleges that several comments and actions made by the subject judge during the hearing reflected bias, disability discrimination, and a failure to discharge judicial duties.

These allegations warrant dismissal. The complainant challenges the subject judge's procedural actions during the hearing, including his refusal to address a recently filed motion and failure to conclude that the withdrawal of counsel was retaliatory. These allegations challenge the merits of the subject judge's decisions in the underlying case. 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, 332 (6th Cir. 1988). As such, these allegations are dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Next, the allegations that the subject judge made improper comments during the hearing also warrant dismissal. "Cognizable misconduct includes . . . treating litigants . . . in a demonstrably egregious and hostile manner." Judicial-Conduct Rule 4(a)(2)(B). However, judicial remarks that are "critical or disapproving of" a party "ordinarily do not support a bias . . . challenge" in the absence of evidence that would establish an "antagonism that would make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994).

The complaint alleges that the subject judge frequently interrupted the complainant during the hearing, praised her attorneys, indicated that she looked "pretty healthy" in response to her stated health issues, and minimized her concerns about hiring new counsel in a hostile manner. Upon review, these allegations of perceived mistreatment are insufficient to raise an inference that misconduct has occurred and do not reflect an antagonism that would render fair judgment impossible. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Because the allegations do not set forth credible claims of bias and discrimination, and a review of the record reveals none, these allegations are 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)(ii)–(iii) and Judicial-Conduct Rules 11(c)(1)(B) and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: February 25, 2026