JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90075
	*	06-25-90076
	*	06-25-90077
	*	06-25-90078
	*	06-25-90123
	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judges"), under 28 U.S.C. § 351.

(The complaint also named the Honorable Timothy P. Greeley, who has retired as a Magistrate Judge for the same court. Judge Greeley is no longer a covered judge under the Judicial-Conduct and Judicial-Disability Act. *See* 28 U.S.C. § 351(a). He is thus not part of these proceedings.)

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 complainant is a state prisoner who has filed dozens of lawsuits in the district courts. In many of those cases, the presiding judges have deemed the complainant to be ineligible to proceed in forma pauperis under the Prison Litigation Reform Act. The judges then dismissed the cases when he failed to pay the filing fee.

This misconduct complaint contains 41 pages of barely legible, handwritten text. It asserts that the subject judges have engaged in "illegal, unconstitutional tactics" that have

denied the complainant and other pro se prisoners access to the courts. It focuses on the subject judges' rulings in various proceedings, including one judge's handling of prior misconduct complaints. The complaint claims that these rulings were improper, marred by conflicts of interest, or delayed unnecessarily.

This complaint warrants dismissal. It primarily challenges the correctness of the subject judges' decisions in the underlying cases and proceedings. The judicial-complaint process may not be used to challenge the merits of judicial decisions, "including a failure to recuse." *See* Judicial Conduct Rule 4(b)(1). Such decisions are not the proper subject of a complaint of judicial misconduct. The Judicial Council is not a court and has no jurisdiction to review the subject judges' rulings or to grant relief requested in the underlying cases. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). The allegations that challenge the subject judges' rulings are therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

To the extent the complaint alleges that the subject judges' rulings were motivated by bias, this allegation fails. Apart from disagreement with those rulings, the complaint points to no credible evidence substantiating a claim of bias against pro se litigants. This conclusory allegation is 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).

Finally, the complainant alleges that the subject judges delayed rulings in several underlying cases and proceedings. Claims of delay are cognizable in judicial misconduct proceedings only if accompanied by an allegation that a particular decision was deliberately delayed with an improper motive, or that the subject judge has habitually delayed decisions in a significant number of unrelated cases. *See* Judicial-Conduct Rule 4(b)(2).

This allegation is also dismissed. The complaint's accusations of an improper motive are purely speculative, so this portion of the complaint is dismissed as directly related to the merits of the subject judges' official actions. *See* 28 U.S.C. § 352(b)(1)(a)(ii); Judicial-Conduct Rule 11(c)(1)(B).

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: August 29, 2025