JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90124
	*	06-25-90125
	*	06-25-90126
	*	
	*	

MEMORANDUM AND ORDER

These complaints of judicial misconduct were filed by [redacted] ("complainant") against [redacted] ("subject judge 1), [redacted] ("subject judge 2"), and [redacted] ("subject judge 3"), 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, a pro se litigant, filed a case in the United States District Court for the Eastern District of Michigan alleging violations of federal law related to his arrest and criminal trial. The case was randomly assigned to subject judge 2. Upon initial review, subject judge 2 determined that the action would have been more appropriately brought in the Western District of Michigan and issued an order transferring the case. Subject judge 2 also issued an order denying the complainant's motion for an injunction. Following the transfer order, the complainant filed three additional motions with subject judge 2. Subject judge 2 dismissed these motions for lack of jurisdiction.

After the transfer to the Western District of Michigan, the case was assigned to subject judge 1 with certain pretrial matters referred to subject judge 3. Subject judge 3 recommended that the case be dismissed after the complainant failed to comply with a deficiency order. The complainant filed objections to this recommendation, one of which was construed as a motion for reconsideration. Those objections were overruled by subject judge 1 and the matter was dismissed without prejudice.

The misconduct complaints object to the transfer of the underlying case. They claim that the complainant did not consent to the case being referred to a magistrate judge. And it challenges the rulings of all three subject judges while presiding over the case. Finally, it seemingly claims that subject judge 1 engaged in improper ex parte communications with the complainant.

The complainant filed a combined misconduct complaint against subject judges 1 and 3 and a separate misconduct complaint against subject judge 2. The complaints have been consolidated for consideration.

These complaints warrant dismissal. Many of the allegations, including objections to the decision to transfer the case between district courts, the referral to a magistrate judge, and rulings on various motions, challenge the merits of the subject judges' 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 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). 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).

To the extent the complaints allege that subject judge 1 engaged in ex parte communications, they also warrant dismissal. "[I]mproper ex parte communications with parties or counsel for one side in a case" may constitute misconduct. *See* Judicial-Conduct Rule 4(a)(1)(C). However, a review of the record reveals that the complainant attempted to file multiple documents in the underlying case by sending them directly to the chief judge of the Western District of Michigan. In response, subject judge 1 sent the complainant a letter advising him that the court could not communicate with any party on an ex parte basis and that all filings needed to be made in compliance with the court rules for filing and service. This correspondence is not an ex parte communication, nor is it "prejudicial to the effective and expeditious administration of the business of the courts." Judicial-Conduct Rule 11(c)(1)(A). Accordingly, this portion of the complaints is dismissed as lacking sufficient evidence to raise an inference of misconduct. *See* 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Accordingly, it is **ORDERED** that the complaints be dismissed under 28 U.S.C. § 352(b)(1)(A)(ii)-(iii) and Judicial-Conduct Rules 11(c)(1)(A), (B), and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: February 25, 2026