JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re: Complaint of Judicial Misconduct	* * * * * * *	06-25-90127

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 presides over the complainant's underlying pro se lawsuit. Upon initial screening under the Prison Litigation Reform Act, the subject judge dismissed the complainant's claims but allowed him leave to amend the claims dismissed without prejudice. The complainant then filed an amended complaint in September 2024. In the months that followed, the complainant submitted various letters and motions with the court requesting status updates and seeking to enforce service of process.

When, by August 2025, the court had taken no activity on his amended complaint or other filings, the complainant filed this misconduct complaint. It alleges that the subject judge's failure to act has amounted to the denial of due process and access to the courts. While the misconduct complaint was under review, the subject judge entered an order that allowed portions of the amended complaint to proceed and directed the clerk to serve the defendant.

A claim of delay rises to the level of judicial misconduct only if it is 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). Conversely, a complaint of delay in a single case may be said to challenge the correctness of the subject judge's official action and is therefore merits-related. *See* Commentary to Judicial-Conduct Rule 4.

This complaint warrants dismissal. The complainant has identified no evidence to suggest that the subject judge has deliberately delayed ruling on this case with an improper motive, and a review of the record reveals none. Nor does he allege that the subject judge has habitually delayed decisions in a significant number of unrelated cases. The allegations thus challenge the merits of the subject judge's actions and are not the proper subject of a misconduct complaint. *See* Judicial-Conduct Rule 4(b)(1). This complaint is therefore dismissed as merits-related. *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) and Judicial-Conduct Rule 11(c)(1)(B).

/s/ Jeffrey S. Sutton
Chief Judge

Date: December 3, 2025