JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90130
	*	06-25-90131
	*	
	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge 1"), and [redacted] ("subject judge 2"), both of the [redacted]. *See* 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 judges preside over the complainant's underlying pro se civil suit. That matter is ongoing.

This misconduct complaint alleges that the subject judges and court staff have engaged in a host of misconduct. It contends that the complainant's underlying suit was unlawfully transferred within the district and that several of the complainant's filings have not been docketed. It also contains claims of biased rulings, procedural irregularities, inaction, docket manipulation, and unlawful action. It accuses the subject judges of having "backgrounds in corporate litigation, which appears to have influenced repeated bias and neglect in favor of institutional defendants."

In supplemental correspondence, the complainant accuses the subject judges and court staff of ignoring or removing her motions and engaging in "numerous procedural irregularities, obstruction of justice, and possible collusion."

This complaint warrants dismissal. First, many of the complaint's allegations challenge the merits of the subject judges' decisions in the underlying case. These include claims that the case was improperly transferred and that the subject judges manipulated the docket, failed to recuse, committed procedural irregularities, and wrongfully denied relief.

The judicial-complaint process may not be used to challenge the merits of judicial decisions, "including a failure to recuse"; 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 case. *See In re Complaint of Judicial Misconduct*, 858 F.2d 331 (6th Cir. 1988). These allegations 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 complaint alleges bias, it also warrants dismissal. Apart from disagreement with the subject judges' rulings or speculation, the complaint points to no evidence of bias. This allegation thus warrants dismissal 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).

Next up is the allegation of delay in ruling on motions since the filing of the judicial misconduct complaint. A claim of delay is cognizable in misconduct proceedings only if accompanied by an allegation that a 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 a judge's official action and is therefore merits-related. *See* Commentary to Judicial-Conduct Rule 4.

The allegation of delay is also dismissed. The complaint identifies no evidence that the subject judges delayed their decisions with an improper motive, nor does it allege habitual delay in other cases. Rather, the record shows that during a short period after initiating these misconduct proceedings, the complainant filed dozens of motions. Subject judge 2 eventually entered a 16-page order that patiently resolved some 29 of the complainant's filings. Any delay can be explained by the complainant's repetitive and abusive filings. This allegation, which challenges the correctness of the subject judges' official actions, is therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Finally, the claims against court staff will also be dismissed. The Judicial Conduct and Disability Act authorizes complaints against judges. *See* 28 U.S.C. § 351(a). "The conduct of the clerk is not subject to review through a judicial misconduct complaint." *See In re Complaint*, No. 05-6-351-65 (6th Cir. C.J. Apr. 24, 2006). These allegations are thus dismissed as outside the scope of the Act. *See* 28 U.S.C. § 352(b)(1)(A)(i).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: April 7, 2026