JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90133
	*	06-25-90134
	*	
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MEMORANDUM AND ORDER

These complaints of judicial misconduct were filed by [redacted] ("complainant") against [redacted] ("subject judge 1"), and [redacted] ("subject judge 2"), 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).

Over ten years ago, the complainant pleaded guilty to criminal offenses and was sentenced. Shortly after sentencing, the complainant's case was reassigned to subject judge 1. Several years later, the case was referred to subject judge 2. Both judges have presided over the complainant's post-conviction motions.

The complainant filed misconduct complaints against both subject judges. The two complaints are now consolidated for consideration.

I. Subject Judge 1

The complaint against subject judge 1 alleges that he failed to recuse from the complainant's underlying case. It claims that subject judge 1 has a familial relationship with a person who once worked for the complainant's victim, a former President of the United States. That same President appointed subject judge 1. The complaint contends that these connections "create[] an unavoidable appearance of bias" and challenges subject judge 1's failure to disclose the relationship and recuse from the underlying case. The complainant has moved for subject 1's recusal in the underlying case based on the same allegations; that motion remains pending.

An allegation that a judge has wrongly failed to recuse, without more, challenges the merits of a judicial decision and does not state a cognizable claim of misconduct. *See* Judicial-Conduct Rule 4(b)(1). An allegation that a judge harbored an improper motive for his recusal decision does, however, state a cognizable claim of misconduct and must be evaluated for the sufficiency of the allegations. *See* Commentary to Judicial-Conduct Rule 4(b)(1).

The claim against subject judge 1 warrants dismissal. Subject judge 1's recusal decision is not capable of review in a misconduct proceeding. See Judicial-Conduct Rule 4(b)(1). And the assertions of bias are conclusory and rooted in disagreement with the subject judge's decisions. *See* Compl. 2 (asserting that the denial of "meritorious motions without addressing constitutional claims" "reflect[s] personal bias or prejudice"). They are insufficient to remove this claim from the realm of a merits challenge. *See In re Charge of Judicial Misconduct*, No. 08-90067, at 5–6 (2d Cir. C.J. May 20, 2009). The claim against subject judge 1 is thus dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

II. Subject Judge 2

The misconduct complaint against subject judge 2 accuses that judge, who is a member of a Christian denomination, of bias against the complainant, who is Muslim. The complaint bases these allegations on a law review article written by subject judge 2 in which he discusses the interplay of religious belief and judicial decision-making. (The complaint quotes the article, but the quotes do not actually appear in the article.) Subject judge 2 has denied the complainant's related motion for recusal in the underlying case.

The allegation that subject judge 2 has exhibited religious bias warrants dismissal. The complaint points to purported written statements of how a judge's conscience and views of justice are formed by religious faith. Even if these statements can be attributed to subject judge 2, they do not suggest that he denied the complainant's motions because he filtered them "through a personal religious lens." Compl. 2. And the record reveals nothing that would raise the specter of religious bias. These allegations are 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).

Accordingly, it is **ORDERED** that these complaints 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: April 7, 2026