JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90135
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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." 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 is the spouse of a criminal defendant, whose underlying felony probation supervision was transferred to the subject judge from another jurisdiction. The defendant violated conditions of his supervised release, and the subject judge sentenced him to six months incarceration.

The misconduct complaint challenges the subject judge's actions while the defendant awaited sentencing. The complainant alleges the subject judge demonstrated bias, had a conflict of interest with the defendant's first attorney, displayed deliberate indifference towards the defendant's medical conditions, and "issued a retaliatory 'Reset Date'" to delay the defendant's hearing.

The bulk of the allegations challenge the subject judge's decision-making in the underlying case. Though the complainant alleges the subject judge's decisions exhibited bias, retaliation, and willful indifference, she provides no evidence to substantiate these allegations and the record reveals none. In the absence of evidence of improper motive,

the allegations challenge the merits of the subject judge's procedural and scheduling decisions, which are not the proper subject of a judicial misconduct complaint. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings. *See* Judicial-Conduct Rule 4(b)(1). The Judicial Council is not a court and has no jurisdiction to review the subject judge's 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 are therefore dismissed as directly related to the merits of the subject judge's decisions in the underlying case. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation of a conflict of interest will also be dismissed. The complainant alleges that the defendant's first attorney claimed friendship with the subject judge, and when this attorney moved to withdraw from the defendant's case, the subject judge "protect[ed] his friend's procedural standing at the direct expense of my husband's constitutional rights." This claim of bias is unsupported by any evidence, in the record or otherwise, and is therefore insufficient to suggest misconduct. An allegation that the subject judge knew the complainant's attorney does not by itself demonstrate misconduct. This claim is thus subject to 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).

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: February 25, 2026