JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90136
	*	06-25-90137
	*	06-25-90138
	*	06-25-90139
	*	
	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judges"), [redacted], 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). Because the chief circuit judge is named as a subject of this complaint, the complaint has been referred to the next most senior active circuit judge for review. *See* Rule 24(f), Rules for Judicial-Conduct and Judicial Disability Proceedings.

The complainant is a pro se litigant. Three of the subject judges ("panel judges") presided over the complainant's petition for review of a decision by the National Labor Relations Board ("NLRB"). The panel judges granted a motion to dismiss the petition for lack of jurisdiction. Following this decision, the complainant filed a petition for rehearing seeking to vacate the order, to document the panel judges' bias, and to reassign the case to a different panel. The petition for rehearing and associated requests were denied. However, since that ruling, the complainant has filed additional emergency motions for reconsideration that remain pending before the court. The remaining subject judge is the chief judge of the court and was not assigned to any of the complainant's underlying cases.

The misconduct complaint alleges that the subject judges have engaged in a host of misconduct. It claims that the subject judges intentionally suppressed evidence in the underlying case by failing to docket evidence the complainant emailed directly to the chief judge, striking motions, and manipulating the record. It accuses the subject judges of retaliating against the complainant after she filed a separate misconduct complainant and based on her disability status. Finally, it alleges the panel judges have failed to issue timely rulings and exhibited bias in their decisions.

These allegations warrant dismissal. First, nearly all the misconduct alleged above directly challenges the subject judges' rulings. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings, "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). Any allegations challenging the subject judges' rulings or handling of the litigation process are therefore dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Next, a claim of delay is cognizable in judicial misconduct proceedings only if 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.

The allegation of delay is also dismissed. The complaint identifies no evidence suggesting that the subject judges were motivated by a desire for retaliation or based on the complainant's disability status, and a review of the record reveals none. Especially considering the complainant's numerous filings during the pendency of the petition for review, the timing of the order dismissing the petition is not indicative of impropriety. This portion of the complaint is therefore 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).

Finally, the allegation that the subject judges exhibited bias against the complainant will also be dismissed. To the extent this allegation challenges any decisions in the underlying case, it is dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). To the extent it accuses the subject judges of bias against the complainant, it is supported by only conclusory assertions. This allegation is therefore also 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 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/ Karen Nelson Moore
Circuit Judge

Date: February 13, 2026