JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90140
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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." 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 presided over the complainant's underlying criminal proceedings. After sentencing, the complainant moved to vacate his sentence under 28 U.S.C. § 2255. The subject judge denied the motion. The Sixth Circuit certified one of the claims for appeal, vacated the district court's judgment on that claim, and remanded for an evidentiary hearing. On remand, the subject judge held an evidentiary hearing, granted the motion, and resentenced the complainant. The complainant's appeal of that new sentence is pending.

The complainant filed this misconduct complaint and several supplemental letters concerning the subject judge's handling of the § 2255 proceedings. He alleges that the subject judge's denial of his motion "was not a mere legal error" but instead "reflected a willful disregard for the law and [his] constitutional rights." Compl. 1. In the complaint and supplemental letters, he alleges that the subject judge obstructed his "efforts to present new evidence," Compl. 1, threatened to impose an upward variance in retaliation for the successful § 2255 motion, favored the prosecution and overlooked government

misconduct, disregarded evidence and legal arguments, and improperly narrowed the scope of the remand order. He also contends that the subject judge never ruled on a motion for compassionate release that he filed pro se while represented by counsel.

The allegations in the complaint and supplemental letters warrant dismissal. The majority challenge the subject judge's decisions in the underlying case. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings; 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 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. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The complainant also contends that the subject judge's overall conduct "has shown a clear pattern of partiality in favor of the prosecution." Compl. 2. Although the judicial-complaint process may not be used to challenge the merits of a judge's rulings, allegations that decisions are "the result of an improper motive" can constitute cognizable misconduct. *See* Judicial-Conduct Rule 4(b)(1).

This complaint draws only tenuous conclusions between the subject judge's actions and the motivation behind them. Apart from disagreement with the subject judge's rulings, the complaint provides no evidence to substantiate the claim of bias. "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994); *cf. In re Complaint of Judicial Misconduct*, No. 08-9011, at 6 (2d Cir. C.J. June 26, 2008) (finding evidence of bias insufficient when the complaint cited only the unfavorable action itself). And the allegations do not suggest "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky*, 510 U.S. at 555. The allegation of bias is 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 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: April 7, 2026