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

In re:	*	
	*	
Complaint of Judicial Misconduct	*	06-25-90146
	*	
	*	
	*	
	*	

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 in the complainant's underlying criminal case. This misconduct complaint alleges, among other things, that the subject judge failed to recuse herself, "ma[de] egregious legal rulings contrary to clear and determined law," "retaliated against [the complainant] for filing a cause of action against her," failed to report attorney misconduct, and "interfered with [the complainant's] ability to effectively prepare and present evidence" in support of his case. The complaint also alleges that the subject judge was biased in favor of the government.

This complaint warrants dismissal. The bulk of the allegations challenge the merits of the subject judge's decisions in the underlying case. The judicial-complaint process may not be used to challenge the merits of judicial decisions 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 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 warrant dismissal because they are merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The complaint also alleges that the subject judge retaliated against the complainant and "gave the government preferential treatment." 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).

To the extent the complaint alleges bias and retaliation, it also warrants dismissal. Apart from disagreement with the subject judge's rulings, the complaint provides no evidence to substantiate these claims. "[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 allegations of bias and retaliation 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 this 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 17, 2026