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

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90150
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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 presides in the complainant's underlying criminal case. The complainant is representing himself with the support of appointed standby counsel.

This misconduct complaint challenges the subject judge's decisions in the case. It also accuses her of giving preferential treatment to government attorneys and engaging in ex parte communications.

This complaint warrants dismissal. Many of the allegations, including claims that the subject judge wrongly decided pretrial motions and improperly referenced facts outside the record, challenge the merits of the subject judge's decisions. The judicial-complaint process may not be used to challenge the merits of judicial decisions; 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).

To the extent the complaint alleges bias, it also warrants dismissal. Apart from disagreement with the subject judge's rulings, the complaint points to no evidence that the subject judge has improperly favored government attorneys. "[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. This allegation thus warrants 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).

Finally, the allegation that the subject judge engaged in ex parte communications is also dismissed. "Improper ex parte communications with parties or counsel for one side in a case" may amount to misconduct. *See* Judicial-Conduct Rule 4(a)(1)(C). The complaint provides no factual basis to support this claim, and a review of the record reveals none. This allegation is also 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).

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 17, 2026