JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90160
	*	06-25-90161
	*	
	*	

MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge 1"), and [redacted] ("subject judge 2"), [redacted]. *See* 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 complainant is a pro se litigant. Subject judge 1 presides over the complainant's underlying civil lawsuit and subject judge 2 has decided certain matters on referral.

This misconduct complaint alleges that subject judge 2 made a series of pretrial rulings that created an appearance of bias toward pro se and disabled litigants. It alleges that subject judge 2 pressed her to narrow her claims, improperly ordered discovery of her private medical records, and spoke in a "tone" that was "condescending and dismissive." Compl. 1. The complaint further alleges that subject judge 1 failed to provide sufficient oversight of subject judge 2, and that both judges have delayed rulings on motions.

This complaint warrants dismissal. The bulk of the complaint attacks subject judge 2's pretrial orders. It also "raises concern regarding oversight by" subject judge 1. Compl. 4. 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 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). 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's allegations of bias also require dismissal. Disagreement with the underlying rulings forms the bulk of the basis for this claim. But "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S. 540, 555 (1994).

The complaint does allege that subject judge 2 spoke to the complainant in a tone that was "condescending and dismissive." Compl. 1. Even if true, "expressions of impatience, dissatisfaction, annoyance, and even anger[] that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display" do not establish bias. *Liteky*, 510 U.S. at 555. These allegations do not suggest "a deep-seated . . . antagonism that would make fair judgment impossible." *Id.* They thus lacks 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).

The complaint also contends that the subject judges exhibited bias through "prolonged inaction." Compl. 5. A claim of delay is cognizable in 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 a subject judge's official action and is therefore merits-related. *See* Commentary to Judicial-Conduct Rule 4.

This allegation also fails. The complaint does not suggest that the subject judges have a habit of delaying decisions in other, unrelated cases. And it has not presented sufficient evidence to suggest that the subject judges delayed rulings with an improper motive. *See In re Charge of Judicial Misconduct*, No. 08-9011, at 6 (2d Cir. C.J. June 26, 2008) (rejecting allegation of delay when the complainant "present[ed] no evidence to support the charge that the Judge was biased against him" aside from "the delay itself"). This allegation is therefore dismissed. *See* 28 U.S.C. § 352(b)(1)(A)(ii)–(iii); Judicial-Conduct Rule 11(c)(1)(B), (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: May 1, 2026