JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90162
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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 complainant is a pro se litigant. The subject judge is the chief judge of the district court in which the complainant's case is pending.

This misconduct complaint alleges that the complainant's civil case has been marked by "multiple irregularities, omissions, and unauthorized docket alterations." Compl. 2. It further alleges that the complainant has filed more than "20 motions and letters" addressed to the subject judge alerting him to those problems. Compl. 3. It claims that the subject judge failed to provide "meaningful judicial intervention." Compl. 1.

(The complainant also filed a misconduct complaint against the judges who preside in the underlying case. That complaint was recently dismissed as challenging the merits of their decisions and lacking sufficient evidence to suggest that misconduct had occurred.)

This complaint is also dismissed. The claim that the subject judge did not act in response to the complainant's letters fails to allege "conduct prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a). The subject judge does not preside over the complainant's underlying case. Although the chief judge of a district court "shall have precedence and preside at any session which he attends," *id.* § 136(b), he does not have the authority to intervene or enter rulings in cases assigned to other judges. Accordingly, this claim is dismissed as alleging "conduct that, even if true, is not prejudicial to the effective and expeditious administration of the business of the courts." Judicial-Conduct Rule 11(c)(1)(A).

To the extent this complaint asserts claims against court staff, it will also be dismissed. The Judicial Conduct and Disability Act authorizes complaints against judges. *See* 28 U.S.C. § 351(a). "The conduct of the clerk is not subject to review through a judicial misconduct complaint." *See In re Complaint*, No. 05-6-351-65 (6th Cir. C.J. Apr. 24, 2006). The claims that "clerks and case managers . . . engaged in" docket malfeasance are dismissed as outside the scope of the Act. *See* 28 U.S.C. § 352(b)(1)(A)(i).

Accordingly, it is **ORDERED** that the complaint be dismissed under Judicial-Conduct Rule 11(c)(1)(A) and 28 U.S.C. § 352(b)(1)(A)(i).

/s/ Jeffrey S. Sutton
Chief Judge

Date: May 1, 2026