JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
	*	
Complaints of Judicial Misconduct	*	06-25-90168
	*	06-25-90169
	*	
	*	
	*	

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 defendant in an underlying criminal case. Subject judge 1 presided over the case through the complainant's jury trial. Prior to sentencing, the case was reassigned to subject judge 2.

This misconduct complaint alleges that subject judges were biased against the complainant during the criminal proceedings. It claims that subject judge 1 "often without any hesitation ruled in favor of the prosecution" during the trial. And it says that subject judge 2 was "prejudiced" and "determined" to rule against him during pre-sentencing status conferences.

This complaint warrants dismissal. It supplies two examples of bias: (a) judicial rulings in the government's favor and (b) the transcripts from two status conferences during which subject judge 2 considered pre-sentencing motions. "[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). And the allegations do not suggest "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.*

As for the transcripts, they contain no suggestion of improper bias. "[D]ismissal following a limited inquiry may occur when a complaint refers to transcripts . . . and the chief judge determines that the transcripts . . . support the subject judge." Commentary to Judicial-Conduct Rule 11(b) The transcripts show that subject judge 2 carefully considered the complainant's motions and declined to second-guess subject judge 1's credibility determinations. The claim 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)(iii) and Judicial-Conduct Rule 11(c)(1)(D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: May 1, 2026