JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90178
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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 presided over a criminal case in which the defendant pleaded guilty to theft of social security benefits intended for the defendant's minor child. The subject judge declined to impose a term of imprisonment as part of the sentence.

The complainant is the child's legal guardian and the defendant's father. This misconduct complaint alleges that the subject judge relied on his emotions, and not facts, when imposing what the complainant feels was a lenient sentence.

At sentencing, a district court considers statutory factors to impose a sentence that is "'sufficient, but not greater than necessary,' to accomplish the goals of proportional punishment, deterrence, public safety, and rehabilitation." *United States v. Gray*, 121 F.4th 578, 586 (6th Cir. 2024) (quoting 18 U.S.C. § 3553(a)). The balancing of these factors and the arrival at a sentence "is a matter of reasoned discretion, not math." *United States v. Rayyan*, 885 F.3d 436, 443 (6th Cir. 2018).

The subject judge's sentencing decision is not reviewable in this proceeding. The judicial-complaint process may not be used to challenge the merits of judicial decisions made in underlying proceedings; 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). This complaint is therefore dismissed as directly related to the merits of the subject judge's sentencing decision. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

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

/s/ Jeffrey S. Sutton
Chief Judge

Date: May 6, 2026