JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90180
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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 presides in the complainant's underlying civil case and recommended that the complaint be dismissed. The assigned district judge overruled this recommendation and returned the matter to the subject judge for further proceedings. The case remains pending.

This misconduct complaint challenges subject judge's recommendation to dismiss the complaint and a subsequent ruling denying the complainant's application for electronic filing privileges. It objects to the subject judge's characterization of the underlying filings as containing "sovereign citizen rhetoric" and "sovereign citizen nonsense." The complaint also asserts that the subject judge and counsel for the opposing party engaged in improper ex parte communications.

This complaint warrants dismissal. Most of the allegations challenge the correctness of the subject judge's rulings. The judicial-complaint process may not be used to challenge the merits of judicial decisions or procedural rulings 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 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).

Claims related to the language the subject judge used to describe the complainant's claims are also dismissed as merits-related. The complaint contends that using the term "sovereign citizen" amounted to "a judicial slur . . . that carries inflammatory, false, and ideologically charged meaning." Compl. 3. The Judicial-Conduct Rules recognize a "special need to protect judges' independence in deciding what to say in an opinion or ruling." Commentary to Judicial-Conduct Rule 4(b)(1). If the language used "was relevant to the case at hand," then it is "presumptively merits-related and excluded, absent evidence apart from the ruling itself suggesting an improper motive." *Id.* Because the language used was relevant to the subject judge's assessment of the complainant's underlying complaint, and because the complaint identifies no other evidence of improper motive, these allegations are also not cognizable in this proceeding. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

Finally, the portion of the complaint alleging 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 constitute misconduct. *See* Judicial-Conduct Rule 4(a)(1)(C). The complaint asserts that opposing counsel and the subject judge must have privately strategized to characterize the complainant's case as "based on a[n] unmentioned 'sovereign citizen theory.'" Compl. 14. In support, the complaint notes that both the subject judge and opposing counsel used the term "sovereign citizen" despite the complainant never identifying himself that way. This is insufficient to suggest that the subject judge engaged in improper ex parte communications. This allegation is therefore 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)(ii)–(iii) and Judicial-Conduct Rules 11(c)(1)(B) and (D).

/s/ Jeffrey S. Sutton
Chief Judge

Date: June 1, 2026