JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:	*	
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Complaint of Judicial Misconduct	*	06-25-90185
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MEMORANDUM AND ORDER

This complaint of judicial misconduct was filed by [redacted] ("complainant") against [redacted] ("subject judge"), [redacted] 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 presided over the complainant's underlying civil suit, ultimately dismissing the case for failure to effectuate service.

This misconduct complaint alleges the subject judge improperly denied several motions, including a motion for leave to amend the complaint and a motion for emergency injunctive relief. The complainant also asserts the subject judge "failed to intervene" when court security "follow[ed]" her throughout the courthouse.

This complaint warrants dismissal. The bulk of the allegations challenge the merits of the subject judge's decisions in the underlying case. The judicial-complaint process may not be used to challenge the merits of judicial decisions 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). The allegations that the subject judge improperly ruled on the complainant's motions are dismissed as merits-related. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B).

The allegation that the subject judge failed to intervene when court security followed the complainant in the courthouse also warrants dismissal. Even assuming there was something wrong with the court security officer's conduct, the complaint does not suggest that the subject judge was aware of it. Indeed, it states that the officer was acting at the direction of the United States Marshal. This allegation will therefore be dismissed because it lacks sufficient evidence to raise an inference that the subject judge engaged in misconduct. *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