

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 5 (below). The RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The rules are available in federal court clerks' offices, on individual federal courts' Web sites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: _____
Contact Address: _____

Daytime telephone: (___) _____

2. Name(s) of Judge(s): _____
Court: _____

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?

Yes No

If "yes," give the following information about each lawsuit:

Court: _____

Case Number: _____

Docket number of any appeal to the _____ Circuit: _____

Are (were) you a party or lawyer in the lawsuit?

Party Lawyer Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

4. Have you filed any lawsuits against the judge?

Yes No

If "yes," give the following information about each such lawsuit:

Court: _____

Case Number: _____

Present status of lawsuit: _____

Name, address, and telephone number of your lawyer for the lawsuit against the judge:

Court to which any appeal has been taken in the lawsuit against the judge:

Docket number of the appeal: _____

Present status of the appeal: _____

5. **Brief Statement of Facts.** Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

6. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) JRJR

(Date) _____

Chief Judge Jeffrey S. Sutton
Sixth Circuit U.S. Court of Appeals
Potter Stewart U.S. Courthouse
100 E. Fifth St.
Cincinnati, OH 45202

February 24, 2026

Dear Chief Judge Sutton:

This is Gabe Roth and Manny Marotta of Fix the Court, a national nonpartisan organization that advocates for greater openness and accountability in the federal courts. Today we file this complaint under the Judicial Conduct and Disability Act, 28 U.S.C. §§351ff, against E.D. Michigan Judge Thomas Ludington for engaging in behavior that maligns his office and is inconsistent with the high standard of conduct that federal judges are expected to follow.

According to a police report and subsequent media coverage, Judge Ludington was involved in a one-car crash in Emmet County, Mich., on Oct. 3, 2025. As noted by the Michigan State Police,¹ an eyewitness reported seeing a black Cadillac that night driving with hazard lights activated and veering off the roadway, striking road signs. Shortly after the eyewitness called 911, a State Police trooper located the car near the entrance of a market with significant passenger-side damage and deployment of a side-curtain airbag.

Upon contact with the driver at the scene, which from body camera footage is clearly Judge Ludington,² the trooper observed signs of impairment, including confusion, unsteadiness and difficulty following instructions. Ludington said he was “not exactly sure why” the airbags had deployed and did not recall crashing his car.

When asked, Ludington denied having consumed alcohol that night, though the trooper indicated in his report³ that he had detected the smell of alcohol on the judge’s breath and inside his car. During the encounter, Ludington twice identified himself as a federal judge.

The trooper administered field sobriety tests, which Ludington was unable to complete successfully despite multiple attempts.⁴ Ludington was then transported to a hospital, where blood was drawn. A toxicology test revealed his blood alcohol concentration between 0.17 and 0.27, substantially above Michigan’s legal limit of 0.08. He was medically cleared, booked into jail and released upon posting bond.

Ludington was arraigned on Oct. 6, 2025, in the 90th District Court of Emmet County and charged with operating a motor vehicle while intoxicated and operating with a blood alcohol content of 0.17 or higher. He entered a plea of not guilty. The case is *Michigan v. Ludington*, No. 2025-25-0564-SD. A status conference is scheduled for April 6, and a jury trial is set to begin on May 8.

Despite the incident described above occurring last fall, the matter was not publicly disclosed for approximately four months — and not by Ludington, his court or his chambers but by the *Detroit News* on Jan. 26.⁵ During this

¹ The Michigan State Police report is courtesy of Bloomberg Law, available at this link: <https://aboutblaw.com/bkYR>.

² The trooper’s body camera footage is included in a news report on WJRT-TV’s website, available at https://www.abc12.com/news/body-camera-video-shows-arrest-of-bay-city-u-s-district-court-judge-after-crash/article_a4cb6300-2638-4f47-bcd5-60bf2c47eaf5.html.

³ *Supra*, note 1

⁴ See Heisig, Eric, “Federal Judge Couldn’t Recite Alphabet in Field Sobriety Test,” *Bloomberg Law*, Feb. 19, 2026, available at <https://news.bloomberglaw.com/litigation/federal-judge-couldnt-recite-alphabet-in-field-sobriety-test>.

⁵ See Snell, Robert, “Federal judge from Michigan was 'super drunk' when he crashed car, records show,” *Detroit News*, Jan. 26, 2026, available at <https://www.detroitnews.com/story/news/local/michigan/2026/01/26/federal-judge-from-michigan-was-super-drunk-when-he-crashed-car-records-show/88353801007>.

period and up until very recently, Ludington continued to perform his judicial duties and was assigned dozens of new cases. His most recent new case assignment occurred on Feb. 18 and his most recent performance of judicial duties occurred on the morning of Feb. 23.⁶

On the afternoon of Feb. 23, E.D. Michigan released a statement⁷ saying that Ludington “has volunteered to take a leave of absence from the Court pending resolution of the state legal matter.” That is a prudent decision in our view, but unfortunately, the statement does not indicate whether Ludington sought treatment or undertook any other measures to try to instill confidence in his work product while the OWI case hung over his head. The statement also means taxpayers are on the hook for some \$50,000 in paid leave, if not more.⁸

Due to the Oct. 3 incident, we believe that Judge Ludington meets the grounds for admonishment under the Judicial Conduct and Disability Act, if not a recommendation for retirement under 28 U.S.C. §372 or worse, and that he should be disciplined as the Chief Judge and Judicial Council deem fit.

Should Ludington retire during the pendency of this complaint, we ask that the Chief Judge and the Judicial Council continue to investigate how the judge managed to conceal the Oct. 3 incident for months, when his court and his chambers learned of it and how that knowledge impacted their work.⁹ Finally, we ask you review why there was a nearly monthlong delay by E.D. Michigan in informing the public about the arrest and whether other E.D. Michigan judges recommended, incorrectly in our view, that Ludington keep the incident quiet and continue on with his duties through the fall and winter as if it hadn’t happened.

Thank you for your attention to this matter.

Sincerely,



Gabe Roth
Executive Director
Fix the Court



Manny Marotta
Law Clerk
Fix the Court

⁶ This is according to data via PACER and CourtListener, with Judge Ludington assigned new cases through Feb. 18, 2026. Ludington even presided over a case the morning that the statement noted in the footnote below was released. See Joey Oliver, “Restitution hearing scheduled in Bay City State Theatre fraud case,” *MLive Media Group*, Feb. 23, 2026, available at <https://www.mlive.com/news/saginaw-bay-city/2026/02/restitution-hearing-scheduled-in-bay-city-state-theatre-fraud-case.html>.

⁷ See “U.S. District Judge Thomas L. Ludington Takes Voluntary Leave,” United States District Court for the Eastern District of Michigan, Feb. 23, 2026, available at https://www.mied.uscourts.gov/PDFFiles/News_Release_TLL_2-23-26.pdf.

⁸ Assuming a “resolution” arises after a one-day trial on May 8, that amounts to 73 unpaid days of work, which at a district judge’s salary comes to \$49,980.

⁹ See Commentary on Rule 20 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings: “[...] And similar to Rule 11(e), although ‘action on the complaint is no longer necessary because of intervening events,’ the Judicial Conference and the judicial council of the subject judge may nonetheless be able to take action on potential institutional issues related to the complaint (such as an analysis of what conditions may have enabled misconduct or prevented its discovery, and what precautionary or curative steps could be undertaken to prevent its recurrence). 28 U.S.C. § 352(b)(2).”