

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

October 15, 2015

Chief Judge Diane P. Wood

No. 07-15-90058

IN RE COMPLAINT AGAINST A DISTRICT JUDGE

\* CORRECTED \*  
MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case. The main complaint is that the judge refused to answer complainant's questions and asked the *pro se* complainant about the status of the case when the judge should have known the status from the file. Complainant also makes the unsupported allegation that the judge is biased against *pro se* litigants who are suing police officers. Complainant also contends without any support that the judge has violated the statutory restrictions on outside income and financial disclosure.

That the judge did not respond to complainant's questions is not misconduct. Nor is a judge asking the parties about the status of the case. That is the purpose of having status conferences: to learn about discovery progress, trial preparation, and settlement negotiations. As to the allegations of bias and statutory violations, there is no evidence to support those allegations. I dismiss those parts of the complaint under 28 U.S.C. §352(b)(1)(A)(iii) because there is insufficient evidence to raise an inference that misconduct has occurred.

Complainant also alleges that he was denied appointment of counsel. Any complaint that is "directly related to the merits of a decision or procedural ruling" must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. "Any allegation that calls into question the correctness of an official action of a judge...is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006). That part of the complaint is dismissed.

In addition to dismissing the complaint pursuant to 28 U.S.C. §352(b)(1)(A)(ii), this complaint is dismissed pursuant to 28 U.S.C. §352(b)(1)(A)(iii).