

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

February 1, 2021

Chief Judge Diane S. Sykes

Nos. 07-20-90118, 07-20-90119 & 07-20-90120

IN RE COMPLAINTS AGAINST THREE JUDGES:

MEMORANDUM

These complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364, and allege claims of misconduct against three judges. For the reasons discussed below, the complaints are dismissed.

Complainant alleges that the district court uses a case-assignment system that assigns all federal prisoner civil-rights cases to one judge. He further alleges that the judges and court staff, Assistant United States Attorneys, and Bureau of Prisons personnel conspire to thwart his attempts to file lawsuits in either state or federal courts under 42 U.S.C. § 1983. All of this, he alleges, amounts to “unconstitutional bias” by the three named judges and also improper ex parte communications in violation of Rule 4(a)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant further alleges that one of the judges dismisses cases as “favors” to prison staff, some of whom he knows from the community or from participating in prison programming. *See* Rule 4(a)(1)(A) and (B). Complainant lastly suggests that the judge engaged in abusive or harassing behavior under Rule 4(a)(2)(B) when denying complainant’s motion to rescind his restricted filer status. Specifically, the judge called complainant’s motion “meritless” and characterized his prior litigation as “vexatious” and “an abuse of the judicial process.”

These allegations do not amount to cognizable judicial misconduct. First, case-assignment systems and case-management procedures are acts of a court, not a judge, and thus do not fall within the purview of the Act. *See* 28 U.S.C. § 351(a), (d) (permitting a complaint against “a judge” and defining that term to include only circuit, district, bankruptcy, and magistrate judges); *see also id.* § 352(b)(1)(A)(i). Complainant suggests that a judge “instructed” court personnel to institute this system. These allegations lack even a modicum of factual support, *see* Rule 11(c)(1)(D), and in any event are “directly related to the merits of a decision or procedural ruling” and therefore must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii). Similarly, any

claim of bias against these three judges is wholly unsupported, as are complainant's claims of ex parte communications. *See id.* § 352(b)(1)(A)(iii).

Likewise, the allegations specific to the single judge assigned to preside over these cases are baseless. There is no evidence that any of the Bureau of Prisons personnel with whom the judge allegedly interacted were actual friends or relatives. Rule 4(a)(1)(A). Nor is there any evidence that the judge extended or accepted personal favors in violation of Rule 4(a)(1)(B). Finally, complainant's objection to the judge's order, which described complainant's present and prior filings as "meritless" and "vexatious," is "directly related to the merits of a decision or procedural ruling" and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii). No cognizable misconduct occurred.

The complaints are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).