

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

May 10, 2022

Chief Judge Diane S. Sykes

No. 07-22-90020

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided over his criminal case. He raises several allegations directly related to the merits of the judge's decisions. He also contends that the judge made disparaging remarks about him at the sentencing, denied all his motions, failed to remain impartial, and "sid[ed] with the government at every turn." Finally, he claims that after the trial he was "advised" that the judge engaged in ex parte communications with the jury.

The complaint does not raise cognizable judicial misconduct. The allegations of bias and ex parte communications are wholly unsupported. Any allegation of bias must be supported by sufficient facts to raise an inference that misconduct has occurred; it cannot be based on mere speculation. 28 U.S.C. § 352(b)(1)(A)(iii). The complainant alleges that he was "advised" of ex parte communications but fails to offer any facts to support the allegation. The remaining allegations, including the judge's remarks at sentencing, are directly related to the merits of the judge's rulings as well as his consideration of the sentencing factors and thus are not proper grounds for a misconduct complaint. *Id.* § 352(b)(1)(A)(ii); RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. 4(b)(1).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii) and (iii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. 28 U.S.C. § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 11(g)(3). A petition for review must be filed in the clerk's office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.