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

August 16, 2022

Chief Judge Diane S. Sykes

No. 07-22-90040

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who at the time of the complaint was presiding over his Social Security case. He accuses the judge of delaying a decision in his case and attributes the delay to "the inherent bias of the court to side with another governmental agency" and the fact that he (the complainant) is "under the age of 50." He also alleges that unidentified federal, state, and local law-enforcement officials are stalking him and waging a campaign of "organized community harassment" against him.

An allegation of delay is not cognizable misconduct "unless the allegation concerns an improper motive or habitual delay." RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 4(b). The docket reflects that when the misconduct complaint was filed, less than five months had passed since the dispositive motion was fully briefed, and the judge has now resolved the case. A five-month delay in a single proceeding does not constitute evidence of habitual delay, and the assertion of improper motives "lack[s] sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii). Further, an allegation of stalking and harassment by unidentified law-enforcement officials is beyond the purview of the Judicial Conduct and Disability Act. *Id.* § 352(b)(1)(A)(i).

Accordingly, the complaint is dismissed pursuant to § 352(b)(1)(A)(i) 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. Id.* § 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.