

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

July 11, 2023

Chief Judge Diane S. Sykes

No. 07-23-90013

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who dismissed his civil-rights case. He alleges that the judge deliberately “failed to render a decision” on complainant’s motion to alter or amend judgment and delayed his case “without showing of cause.” The judge has since denied the complainant’s motion.

A misconduct proceeding is not the proper forum in which to challenge a judge’s procedural or substantive decisions. Allegations that are directly related to the merits of a judge’s decisions do not raise an inference of cognizable misconduct and must be dismissed. 28 U.S.C. § 352(b)(1)(A)(ii). “Any allegation that calls into question the correctness of an official action of a judge ... is merits related.” RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1) cmt. Allegations of delay are considered merits related and are not grounds for a misconduct complaint absent a showing of improper motive or habitual delay in a significant number of cases. *See* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(2) (“Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.”).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii). 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. r. 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.