

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

September 1, 2023

Chief Judge Diane S. Sykes

No. 07-23-90027

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who is presiding in his criminal case. He claims that the judge deprived him of his right to due process and a fair trial because the judge did not accept his pleadings and motions “on the record” or issue “findings of facts and conclusions of law.” He also claims that the judge breached his fiduciary duty and oath of office by violating his constitutional rights during trial. Finally, he calls the judge a “criminal by law” and accuses him of obstructing justice and participating in a conspiracy.

Most of these allegations challenge the substance of the judge’s rulings and thus are not the proper subject of a misconduct complaint. Allegations directly related to the merits of a judge’s substantive or procedural 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. The complainant’s allegations that the judge engaged in criminal actions and violated his oath are frivolous. A misconduct complaint must be supported by sufficient facts to raise an inference that misconduct occurred. 28 U.S.C. § 352(b)(1)(A)(iii).

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*. *Id.* § 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.