

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

September 1, 2023

Chief Judge Diane S. Sykes

Nos. 07-23-90029 & 07-23-90030

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed misconduct complaints against the district judge and magistrate judge assigned to her housing-discrimination case. She challenges several of the judges' decisions in her case, including an order that she appear for a deposition and an order denying her motion to compel. The complainant also alleges that both judges harbor racial bias, accusing them of ruling against her because she is a "black litigant."

To the extent that the complainant challenges the correctness of the judges' rulings, her allegations are not proper grounds for a misconduct complaint. Allegations directly related to the merits of a judge's decisions do not raise an inference of 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. And the complainant's allegations of racial bias 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). Adverse rulings alone are not evidence of bias or any other misconduct.

This is the complainant's second set of misconduct complaints alleging similar allegations against these two judges in the same case. The prior complaints were also summarily dismissed as merits related and frivolous. Nos. 07-22-90009 and 07-22-90010. Repetitive filing of insubstantial judicial-misconduct complaints is an abuse of the Judicial Conduct and Disabilities Act. The complainant is warned that if she files another misconduct complaint that is summarily dismissed as frivolous, merits related, and/or not within the scope of the Act, I may ask the Judicial Council to curb her abuse of the Act by requiring her to post a \$1,000 bond before any future complaints are reviewed. *See* RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. r. 10(a).

For the foregoing reasons, the complaints are 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. 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.