

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

November 6, 2023

Chief Judge Diane S. Sykes

No. 07-23-90038

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainants, a husband and wife, filed a misconduct complaint against the judge who entered a default judgment against one of them—the wife—in a civil-rights case in which she was one of several defendants. The complainants challenge some of the judge’s decisions in the case and contend that their constitutional rights were violated because they did not receive a trial or hearing. They further allege that (1) there was no proof of service in the case because the summons was left in their driveway; (2) they mailed an answer to the plaintiffs’ attorney but she withheld that information from the court in order to obtain a default judgment; and (3) the judge should have helped them find an attorney.

These allegations do not raise any cognizable misconduct. Allegations concerning the merits of a judge’s procedural or substantive rulings are not proper grounds for a misconduct complaint. 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 accusations against the plaintiffs’ attorney are not within the purview of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(i).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(i) and (ii). The complainants 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.