

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

November 6, 2023

Chief Judge Diane S. Sykes

No. 07-23-90041

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in his medical-malpractice case. The judge dismissed the complainant's federal claims and remanded his state-law claims to state court. The complainant makes a vague claim that the judge deprived him of due process. Slightly more concretely, he appears to challenge the judge's rulings on *in forma pauperis* status and exhibits, and he accuses the judge of not "holding court" for "any dispute about the facts." Finally, he alleges that the clerk of court colluded with the members of the state bar "to make sure" that he "receive[s] no justice."

This complainant's allegations about the merits of the judge's substantive and procedural 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 allegations about the actions of the clerk of court are beyond the purview of the Judicial Conduct and Disability Act. 28 U.S.C. § 352(b)(1)(A)(i).

This is the complainant's second misconduct complaint within four months against this judge; his recent complaint, like this one, also contained allegations about the actions of the clerk of court. The prior complaint was summarily dismissed as merits related and frivolous. No. 07-23-90021. Repetitive filing of insubstantial judicial-misconduct complaints is an abuse of the Judicial Conduct and Disability Act. The complainant is warned that if he 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 his abuse of the Act by requiring him 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 complaint is dismissed pursuant to § 352(b)(1)(A)(i) and (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.