

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

November 6, 2023

Chief Judge Diane S. Sykes

No. 07-23-90042

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a disability complaint against the judge who dismissed, on abstention grounds, his habeas petition seeking injunctive relief against ongoing state criminal proceedings against him. The complainant contends that he is innocent of the state charges and accuses the judge of not taking his habeas petition seriously and failing to act to prevent harm to him in the state criminal prosecution.

The complaint contains no allegations of disability. Rather, it challenges only the merits of the judge's dismissal order. Allegations directly related to the merits of a judge's decisions 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 because the complaint is utterly devoid of any disability allegations, it is also frivolous and for that additional reason must be dismissed. § 352(b)(1)(A)(iii).

This is the complainant's second complaint in four months alleging judicial misconduct or disability against this judge in the same case. The prior complaint was summarily dismissed as merits related, frivolous, and not within the scope of the Act. No. 07-23-90020. Repetitive filing of insubstantial judicial misconduct or disability complaints is an abuse of the Judicial Conduct and Disability Act. The complainant is warned that if he files another misconduct or disability 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)(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.