

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

April 5, 2024

Chief Judge Diane S. Sykes

No. 07-24-90008

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who dismissed his civil-rights case. He challenges the judge's dismissal ruling, complaining of "possible discrepancies" because the judge disagreed with his "reasons for a trial." He also alleges that there may be "acts of collusion" among the judges who dismissed his three successive cases arising from the same general set of facts.

These allegations relate directly to the judge's dismissal order and thus 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 allegation of collusion is frivolous. Allegations of misconduct must be supported by sufficient facts to raise an inference that misconduct occurred; adverse rulings alone are not evidence of any type of misconduct. 28 U.S.C. § 352(b)(1)(A)(iii).

This is the complainant's third misconduct complaint in three months challenging the merits of a judge's rulings, which is an improper basis for a misconduct complaint. The others were dismissed on similar grounds. *See* Nos. 07-23-90053 & 07-24-90007. Repetitive filing of noncognizable misconduct complaints is an abuse of the Judicial Conduct and Disability Act. Rule 10(a) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings* empowers the Judicial Council of the Seventh Circuit to prohibit, restrict, or impose conditions on an abusive complainant's use of the complaint procedure. If the complainant abuses the provisions of the Act by filing another misconduct complaint that is summarily dismissed as frivolous, merits related, and/or not within the scope of the Act, I will consider asking the Judicial Council to require him to post a \$1,000 bond before any future complaints are reviewed. *See* RULES FOR JUD.-MISCONDUCT & JUD.-DISABILITY PROC. 10(a).

Accordingly, 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.