

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

May 8, 2024

Chief Judge Diane S. Sykes

Nos. 07-24-90016 & 07-24-90017

IN RE COMPLAINTS AGAINST TWO JUDGES

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against six judges who had something to do with his unsuccessful effort more than ten years ago to obtain a “writ of attachment” and to reopen his habeas action that was closed in 2004. Only two of the judges—one district judge and one circuit judge—remain on the bench. The complainant primarily challenges the merits of various decisions in his case. He alleges that the district judge refused to “accept precept” and mischaracterized the disposition of his case, and the “appellate judges” relied upon a “rewritten, fabricated, and unconstitutional” statute. He also alleges that the judges “collaborated” to “cover up” and “conceal” the judgment. Finally, he makes several allegations against the office of the clerk of court.

Most of these allegations relate directly to the merits of the judges’ decisions 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 that the judges collaborated to conceal the judgement is wholly unsupported and 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). And the complainant’s allegations concerning the actions of the clerk of court are not within the purview of the Judicial Conduct and Disability Act. *Id.* § 352(b)(1)(A)(i).

Last year the complainant filed a misconduct complaint naming one of these judges but complaining solely about the actions of the clerk of court. That complaint was dismissed as beyond the purview of the Act. *See* No. 07-23-90054. 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.-CONDUCT & JUD.-DISABILITY PROC. 10(a).

Accordingly, the complaints are dismissed pursuant to § 352(b)(1)(A)(i), (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.