

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

June 21, 2024

Chief Judge Diane S. Sykes

No. 07-24-90046

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who is presiding in his pro se social security case. He challenges several of the judge's decisions, including an order requiring him to provide more detail in his complaint and an order scheduling a status hearing with one week's notice. He also complains that he was not properly served with a motion filed by the defendant, which he says raises a "concern" about ex parte communications. Finally, he alleges that the judge treated him in a hostile and discriminatory manner by calling the status hearing on short notice and failing to acknowledge documents he had filed under seal.

Most of these allegations relate directly to the merits of the judge's rulings and thus are not proper grounds for a misconduct complaint. 28 U.S.C. § 352(b)(1)(A)(ii); RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1) cmt. The allegations about discrimination, hostile treatment, and ex parte communications are wholly unsupported and frivolous. 28 U.S.C. § 352(b)(1)(A)(iii). Allegations of misconduct must be supported by sufficient facts to raise an inference that misconduct occurred; the complainant provides no facts to support these claims.

This is the complainant's third misconduct complaint filed within eight 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. 07-23-90036 & 07-23-90037. 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 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.