

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

July 30, 2024

Chief Judge Diane S. Sykes

No. 07-24-90067

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who dismissed his civil-rights case. The complaint is rambling and largely incoherent, but the complainant appears to challenge the judge's dismissal ruling. He complains of "possible discrepancies" based on "concerns" not raised in his previously dismissed cases. He also claims that there was "adequate evidence" to set a "court date."

To the extent that this complaint can be deciphered at all, the allegations relate directly to the judge's dismissal order and 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.

This is the complainant's fourth misconduct complaint in six 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, and 07-24-90008. 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. In my order dismissing the last complaint, I warned the complainant that if he persisted in filing complaints that are frivolous, merits related, and/or not within the scope of the Act, I would 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, I request that the Judicial Council require the complainant to post a \$1,000 bond with any subsequent filings.

The Council has previously determined that abusive complainants should be required to post a \$1,000 deposit with any misconduct complaint. *See* No. 07-7-352-20 (issued July 9, 2007). This requirement is neither a fine nor a filing fee. Rather, it is a deposit and is refundable if the misconduct complaint has any arguable merit but forfeited if the complaint is dismissed on initial review under § 352(b)(1)(A).

The complainant is ordered to show cause why the Judicial Council should not require him to post a \$1,000 deposit with any future misconduct complaint. RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 10(a). His response is due within 14 days of the date of this order.

The complaint is dismissed pursuant to § 352(b)(1)(A)(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.