

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

January 2, 2025

Chief Judge Diane S. Sykes

No. 07-24-90120

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who presided in his criminal case and is now hearing his request for postconviction relief under 28 U.S.C. § 2255. The complainant challenges some of the judge's procedural and substantive decisions in the § 2255 proceedings. These decisions, he alleges, "blatantly demonstrate prejudice" and affect his "substantial rights in [his] effort to redress from ineffective and miscarriage proceedings."

The complainant's allegations are directly related to the merits of the judge's rulings 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 decision or procedural ruling of a judge ... is merits related" and must be dismissed. RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(1) cmt. The claim of improper prejudice is wholly unsupported and frivolous. Allegations of misconduct must be supported by sufficient facts to raise an inference that misconduct occurred. 28 U.S.C. § 352(b)(1)(A)(iii). Adverse decisions are not evidence of improper bias or any other misconduct.

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*. *Id.* § 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.