

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

April 5, 2024

Chief Judge Diane S. Sykes

No. 07-24-90007

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 decisions in his case, complaining of "possible discrepancies" in the judge's response to his inquiry about the status of the case. He also appears to complain about delay in the judge's rulings on his in forma pauperis application and request for appointment of counsel.

The allegations about the judge's response to the complainant's inquiry about his case 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). "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. Allegations of delay likewise concern the merits of a judge's decisions and do not raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(ii); *see also* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(2) cmt. ("Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases."). In any event, there was no delay. The docket reflects that the judge screened and dismissed the complaint and denied the complainant's requests for in forma pauperis status and for counsel within six weeks of being assigned to the case.

Accordingly, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii) and (b)(1)(B). 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.