

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

April 17, 2014

Chief Judge Diane P. Wood

No. 07-14-90031

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against a judge assigned to his case. The allegations of the complaint are that the judge did not listen to all of the complainant's pretrial arguments before leaving the bench on two occasions and that the defendant was shackled in a jail uniform during his trial. Complainant has had many appointed counsel and standby counsel who all have been allowed to withdraw as complainant wished to represent himself. The docket shows that the complainant has filed numerous pleadings and has refused to come to court on multiple occasions. The docket reflects that the judge has been very patient with the complainant.

Any complaint that is "directly related to the merits of a decision or procedural ruling" must be dismissed. 28 U.S.C. §352(b)(1)(A)(ii). See also Rule 11(c)(1)(B) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. "Any allegation that calls into question the correctness of an official action of a judge...is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A Report to the Chief Justice* 145 (2006). Whether the judge considered all of complainant's many motions and arguments and whether the judge was correct to have the defendant shackled in a jail uniform during trial are issues which can be raised on appeal. They do not constitute judicial misconduct.

Therefore this complaint is dismissed pursuant to 28 U.S.C. §352(b)(1)(A)(ii).