

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

April 7, 2015

Chief Judge Diane P. Wood

Nos. 07-15-90027 and -90028

IN RE COMPLAINT AGAINST A DISTRICT JUDGE AND A MAGISTRATE JUDGE

MEMORANDUM

Complainant has filed a complaint in which he states that he is uncertain as to whom he is complaining about. The complaint arises from the adverse rulings in his underlying suit. Complainant objects to the statements that were made in a report and recommendation as being inaccurate. As complainant did not timely file objections to the report and recommendation, it was adopted by the second judge. Besides objecting to the statements in the report, complainant is upset that the order adopting the report was entered when complainant had been told that the second judge was not in the courthouse on the day that the order was entered. That the second judge was not in the courthouse, if that is accurate, when the order was entered is not misconduct. It is not unusual for judicial decisions to be made by judges who are working from home or even on vacation.

As to the misquotes and misstatements in the report and recommendation, 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).

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