

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

November 10, 2015

Chief Judge Diane P. Wood

Nos. 07-15-90074 and -90075

IN RE COMPLAINT AGAINST TWO JUDGES

MEMORANDUM

Complainant has filed a complaint against two judges assigned to his case. The complaint contains multiple allegations but there is no judicial misconduct.

The main complaint is against one of the judges. Complainant requests that the judge be recused from the underlying law suit and that the case be transferred to another court. The complainant sets forth many reasons for the recusal. The complainant argues that the judge's adverse rulings show that he is biased. There is no authority under the Judicial Conduct and Disability Act of 1980 to reverse a judge's rulings. 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).

Complainant also alleges bias based on the fact that the judge previously served as an attorney in the governmental office which now represents the adverse parties to the complainant. That the judge represented the state government in other litigation before he became a judge does not require recusal.

The complainant also complains that the judge scolded his attorney and threatened sanctions for what the judge thought was a frivolous argument by counsel. There is no evidence of any misconduct.