

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

February 9, 2016

Chief Judge Diane P. Wood

No. 07-16-90014

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case. Complainant alleges that the judge failed to recuse in his case and has delayed deciding complainant's repetitive rulings. A review of the case docket does not establish any undue delay.

Complainant's basis for the recusal is his allegation that the judge is biased against him based on a face-to-face conversation that complainant had with his prison warden. He alleges that the warden told him that he, the warden, and the judge are friends and fellow members of a secret society and that they loathe and despise certain racial and religious groups to which complainant belongs.

Rule 11(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings allows the chief judge to conduct a limited inquiry. I have done so. The complained about judge has denied that he knows the warden, that he belongs to any secret society or that he is biased against the racial and religious groups to which complainant belongs. The warden named in the complaint denies stating to complainant that he is a friend of the judge, a fellow member of a secret society, and they loathe and despise certain racial and religious groups. In fact the warden stated in a telephone conversation with court staff that he does not even know the judge. Based on my limited inquiry, I conclude that there is no substance to any of complainant's allegations.

Although the denial of a motion to recuse can be appealed, it is not the proper subject of a judicial misconduct complaint. 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).

This complaint is dismissed pursuant to 28 U.S.C. §352(b)(1)(A)(ii) and (iii).