

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

February 22, 2018

Chief Judge Diane P. Wood

No. 07-18-90010

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the district judge who was assigned to his case. The complaint is that the district judge has allowed the magistrate judge to decide certain pretrial matters. Complainant states that the magistrate judge does not have jurisdiction as parties did not consent to the magistrate judge handling the case. A district judge may designate a magistrate judge to decide many pretrial matters. *See* 28 U.S.C. §636(b)(1)(A).

As to the rulings, the remedy is an appeal when there is a final decision in the case, not 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).