

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

March 5, 2019

Chief Judge Diane P. Wood

No. 07-19-90009

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case.

There are three main allegations against the judge. The first is that the complainant was not informed that the recording device was not working in a hearing on motions. This is not judicial misconduct. The second allegation is that the judge erred by referring to his motion as a letter and then by adversely ruling on the motion/letter. This also is not judicial misconduct. If the judge's ruling is in error, complainant should appeal the adverse decision. Finally, the complainant contends that it was judicial misconduct for the judge not to telephone complainant after doing that in the past and then striking his pleading as complainant was not there. If the judge erred in doing that, it can be raised in an appeal. It is not judicial misconduct.

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).