

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

April 30, 2019

Chief Judge Diane P. Wood

No. 07-19-90019

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a second judicial misconduct complaint against the judge assigned to his many cases. The complaint is about the judge's rulings and the delay in those rulings.

The judge's district court has had a vacant judgeship for many years. Although all judges would like to make good decisions in less time, it is not always possible due to the number of filed cases and the number of judges on the bench. The delay in rulings does not constitute judicial misconduct.

As to having all cases from a particular litigant go to the judge randomly assigned to handle the first case, that is an efficient use of judicial resources.

As to the rulings alleged to be erroneous, 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).