

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

October 9, 2019

Chief Judge Diane P. Wood

No. 07-19-90050

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainants have filed a judicial misconduct complaint against the judge assigned to their case. The complaint is about the judge's rulings and that the judge failed to recuse. Those are issues which may be raised on appeal. They are not the proper subject of a 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).

Complainants make the unsupported allegation that the judge had *ex parte* contacts with counsel in the party about the case. This apparently is based on the docketed request for opposing counsel to file a letter brief. This did not constitute *ex parte* conduct.

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