

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

January 10, 2020

Chief Judge Diane P. Wood

No. 07-20-90001

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case. I previously dismissed complainant's earlier complaint against this same judge. This complaint is that the judge failed to grant a hearing on complainant's motions and dismissed his case.

If the judge erred in procedurally handling the case and dismissing the case, the remedy is an appeal, not 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).

Complainant also makes an unsubstantiated allegation that the judge engaged in ex parte contact with opposing counsel. As there is nothing to support that allegation, it is dismissed.

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