

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

February 4, 2020

Chief Judge Diane P. Wood

No. 07-19-90006

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM

Complainant has filed a judicial misconduct complaint against the judge assigned to his case. The complaint is that the judge improperly rescheduled a hearing to a telephone conference for two days later due to the possibility of severe weather. He also complains that the judge did not rule favorably on his objection to the appearance of a certain attorney at that conference and several other motions, such as postponements and decisions to proceed by telephone. These are procedural rulings which must be challenged on appeal and not through a complaint under the *Judicial Conduct and Disability Act of 1980*.

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 unsupported allegation that the judge had an *ex parte* contact with an attorney at the telephone conference but provides no context or evidence of the alleged contact. This allegation lacks sufficient evidence to raise inference of misconduct or disability. *See*, Rule 11(c)(1)(D) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings.

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