

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

December 7, 2020

Chief Judge Diane S. Sykes

No. 07-20-90108

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presided in his habeas case. The complaint challenges the judge's ruling and also alleges that the judge took too long to issue it and "retaliated" against the complainant.

There is nothing to support the allegation of retaliation. All cases cannot be decided as quickly as a litigant may wish. An adverse ruling can be appealed and is not grounds for 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).

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