

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

December 11, 2020

Chief Judge Diane S. Sykes

No. 07-20-90111

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who denied his petition for relief under 28 U.S.C. § 2255. He claims that the judge should have recused himself and seeks an order vacating the judge's decision and removing the judge from the case. The proper forum for this merits-related claim is an appeal, not a judicial-misconduct proceeding. 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). Moreover, there is nothing in the complaint that supports the contention that the judge's participation in the case violated the ethical rules of the Code of Conduct for United States Judges.

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