

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

February 1, 2021

Chief Judge Diane S. Sykes

Nos. 07-20-90121, 07-20-90122 & 07-20-90123

IN RE COMPLAINTS AGAINST THREE JUDGES:

MEMORANDUM

These complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364, and allege claims of misconduct against three judges. For the reasons discussed below, the complaints are dismissed.

Complainant alleges that the district court uses a case-assignment system that assigns all federal prisoner civil-rights cases to one judge. He further alleges that the judges and court staff, Assistant United States Attorneys, and Bureau of Prisons personnel conspire to thwart attempts by federal prisoners to file lawsuits in either state or federal courts under 42 U.S.C. § 1983. All of this, he alleges, amounts to “unconstitutional bias” by the three named judges and also improper ex parte communications in violation of Rule 4(a)(1)(C) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. Complainant further alleges that one of the judges dismisses cases as “favors” to prison staff, some of whom the judge knows from the community or from participating in prison programming.¹

These allegations do not amount to cognizable judicial misconduct. First, case-assignment systems and case-management procedures are acts of a court, not a judge, and thus do not fall within the purview of the Act. *See* 28 U.S.C. § 351(a), (d) (permitting a complaint against “a judge” and defining that term to include only circuit, district, bankruptcy, and magistrate judges); *see also id.* § 352(b)(1)(A)(i). Even if such decisions were attributable to a single judge, they would be “directly related to the merits of a decision or procedural ruling” and thus must be dismissed. *Id.* § 352(b)(1)(A)(ii). The allegations of bias are unsupported, as are the complaints of ex parte communications. *See id.* § 352(b)(1)(A)(iii).

¹ Complainant briefly mentions Rule 4(a)(1)(D) (partisan activities); Rule 4(a)(2)(B) (hostility to litigants); and Rule 4(a)(7) (conduct outside official duties). The complaint, however, lacks any allegations suggesting a violation of these provisions.

Likewise, the allegations specific to the single judge assigned to preside in these cases are baseless. There is no evidence that any of the Bureau of Prisons personnel with whom the judge allegedly interacted were actual friends or relatives. Rule 4(a)(1)(A). Nor is there any evidence that the judge accepted personal favors in violation of Rule 4(a)(1)(B).

The complaints are dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), (ii), and (iii).