

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

February 1, 2021

Chief Judge Diane S. Sykes

Nos. 07-20-90124 & 07-20-90125

IN RE COMPLAINTS AGAINST TWO JUDGES:

MEMORANDUM

These complaints are filed under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351–364, and allege misconduct by the judges presiding in complainant’s case. For the reasons discussed below, the complaints are dismissed.

In April 2020 complainant filed a pro se civil-rights lawsuit seeking relief from alleged prison overcrowding and the impact of Covid-19. His misconduct complaints allege that the judges assigned to handle his case ignored his emergency motions for release and “allowed” defense counsel “to submit affidavits of perjury testimony.” The motions were resolved in December 2020, when the court entered summary judgment for the defendants. Complainant has not alleged that the judges harbored any improper motive, and a delay in ruling (if there was one) is not judicial misconduct. *See* Rule 4(b)(2) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings. The allegations regarding perjured affidavits are wholly speculative and unsupported, *see* Rule 11(c)(1)(D), or pertain to alleged misconduct by counsel, not the court. *See* Rule 1(b)(limiting coverage of the Act to federal judges as defined in the rules); *see also, e.g.*, Rule 8(c) (instructing the clerk not to accept a complaint about a noncovered person). What remains is nothing more than a complaint about the correctness of the judges’ decisions and procedural rulings, which is a merits-related challenge and not cognizable misconduct. *See* 28 U.S.C. § 352(b)(1)(A)(ii); Rule 4(b)(1).

Complainant previously filed several judicial misconduct complaints against these same judges and others as well. All have been dismissed under 28 U.S.C. § 352(b)(1)(A)(ii). *See* Nos. 7-20-90059; 7-20-90060; 7-20-90101; and 7-20-90102. As I warned in my last memorandum and order, repetitive filing of non-cognizable misconduct complaints is an abuse of the Act. I repeat that warning here for the last time. *See* Rule 10(a). If complainant continues to abuse the provisions of the Act, I will ask the Judicial Council to require him to post a \$1,000 bond before any future complaints are reviewed.

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