

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

June 29, 2021

Chief Judge Diane S. Sykes

No. 07-21-90029

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant has now filed his third misconduct complaint against the judge who presides over his civil case. Here, he complains about the judge's vacatur of the August 2021 trial date. He claims that the judge did so to accommodate the defendants who sought new counsel. He contrasts a March 2021 order granting complainant's motion to recruit counsel. There, the judge indicated that if he were unsuccessful in recruiting counsel, complainant would have to represent himself on the scheduled trial date. Complainant views this as unequal treatment.

As a threshold matter, a judge's decision to set or vacate trial dates is merits related and not cognizable misconduct. *See* 28 U.S.C. § 352(b)(1)(A)(ii); R. FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 4(b)(1). In any event, complainant never sought to move the trial date, so there is no evidence of unequal treatment. *See* 28 U.S.C. § 352(b)(1)(A)(iii); JUD.-CONDUCT PROC. R. 11(c)(1)(D).

I dismissed the earlier complaints on similar grounds. *See* Nos. 7-21-90017; 7-21-90012. Complainant is warned that repetitive filing of insubstantial judicial-misconduct complaints is an abuse of the provisions of the Judicial Conduct and Disabilities Act of 1980, 28 U.S.C. §§ 351–364. *See* JUD.-CONDUCT PROC. R. 10(a). If complainant continues to abuse the provisions of the Act, I will ask the Judicial Council to impose conditions on his use of the complaint procedure, potentially including a requirement that he post a \$1,000 bond before any future complaints are reviewed.

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